at a decision we considered fully as to how our total charges compare with the total charges in Madras, Bombay, and so on.

Mr. C. V. Iyyu *(Kunnamkulam):* On a point of information. May I know whether the Alleppey Port authorities as well as the Calicut Port authorities have been competing with our Port?

Mr. M. Sivarama Menon *(Advocate-General):* In the matter of the apprehended competition, the Port Administration will take care to see by slow degrees that our interests are safeguarded and it is with that prime consideration in view that we impose only such rates as would be acceptable to the merchants and the consumers.

Mr. C. V. Iyyu *(Kunnamkulam):* May I know whether the S.I.R. has reduced the tonnage rates from Calicut to Coimbatore and other eastern districts? Is it lower than the rates from Cochin to Shoranur?

Mr. M. Sivarama Menon *(Advocate General):* The agent of the S.I.R. is also a representive on the Committee. Whenever any such discrimination prejudices this Port, pressure is brought to bear on the Railway Administration.

Motion put and carried

Mr. A. B. Salem *(Mattancheri):* Poll, Sir.

Ayes

1. Mrs. K. Joshua
2. Mr. A. V. Moothedan
3. „ K. Ashtamoorthi Nambudiripad
4. „ C. K. Nayar
5. „ T. S. Ramachandra Ayyar
6. „ P. Kumaran Ezhuthassan
7. „ K. Narayana Menon
8. „ K. Kunhirama Menon
9. „ M. Krishna Menon
10. „ Ephraim Ouseph
11. „ T. P. Poulose
12. „ Joseph Pettah
13. Rao Sahib K. Ayyappan
14. Mr. K. M. Ibrahim
15. „ K. S. Panicker
16. „ A. T. Kunhipalu
17. „ C. V. Iyyu
18. „ K. R. Ramakrishnan
19. „ K. J. Thomas
20. „ K. R. Achyutan
21. „ K. T. Achyutan
22. Mr. P. P. Devassy
23. „ N. V. Subbarayan Chettiar
24. „ N. Govinda Pai
25. „ H. J. Walmesley
26. „ Shabdai S. Koder
27. „ V. K. Kutty
28. „ P. K. Krishnan
29. „ P. V. Raphael
30. Rao Sahib I. N. Menon
31. Mr. V. K. Aravindaksha Menon
32. „ A. Madhava Prabhu
33. „ B. V. K. Menon
34. „ T. K. Nayar
35. Rao Sahib Dr. T. Verghese
36. Mr. M. Sivarama Menon
37. „ I. Madhava Panicker
38. „ C. J. Mathew
39. „ S. Venkiteswaran
40. Rao Sahib M. M. Paul
41. Khan Sahib Y. Muhammad Roshan Sahib Bahadur
42. Mr. C. J. Luiz

Noes

1. Mr. A. B. Salem
2. „ P. Narayana Menon
3. „ V. K. Bhaskara Menon

Mr. President: 42 against 3. The motion is carried.

The Cochin Panchayat Bill

Mr. T. K. Nayar *(Minister for Rural Development):* Sir, I rise to move that the Cochin Panchayats Bill be read in Council. The Panchayat system, as Hon'ble Members are aware, had its nucleus in one of the boons granted by His Highness the gracious Maharaja in the year 1088 and the prime object of the system was to decentralise the administrative activities of Government over village life by giving the villagers a hand in the handling of local affairs. Though the existing Village Panchayat Act, passed more than a quarter of a century age, provides for the exercise by the Panchayats of very wide powers, the Panchayats are not in actual practice exercising or allowed to exercise powers sufficient to ensure the objects originally aimed at. Till the passing of the Village Courts Act, the main work that some of these Village Panchayats were discharging was judicial and now with the constitution of separate Village Courts, the Panchayats have been relieved of a large part of the work they were attending to and it behoves on Government to utilise their services for the furtherance of the activities of Government in rural areas.

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No tangible attempt has hitherto been made to closely associate the Panchayats with the increasing activities of Government in village life, though it cannot be denied that this was one of the cherished objects with which the movement was initiated. Demands had been made in the Panchayat Conference of 1117 to the effect that the activities of the various rural development departments in the respective Panchayat areas should be carried on through and by the Panchayats. Hon'ble members will agree that this proposal if given effect to, will not only ensure co-ordination and a certain amount of decentralisation in the activities of Government in the rural areas, but will also enhance the effectiveness of the work done, by supplying the requisite amount of check and control. Further, the Panchayats now merely tender advice as to the spending of money allotted to them without any responsibility thrown on them to find funds. Though it is not advisable at present to vest in them powers of taxation, the Panchayats can certainly be utilised to perform a portion at least of the collection work, which it is expected will impose certain responsibilities on the Panchayats. The main idea underlying this Bill, therefore, is to utilise the Panchayats as the co-ordinating agency in the activities of the Rural Development Departments by getting these done as far as possible by and through them with the help and guidance of the regular departments of Government. The vesting of wider powers in the Panchayats without providing safeguards against possible misuse may not be advisable and care has been taken to provide adequate check with a view to prevent such misuse.

In Madras it is proposed to replace the existing Panchayat Act and a Bill for the purpose has been published. The Bill which is now proposed to be placed before the House follows in the main the provisions contained in the Madras Bill, excepting for certain changes. The changes other than those necessitated by local conditions are mainly the deletion of the provisions contained in the Madras Bill regarding appointment of executive authorities for Panchayats and powers of taxation and the inclusion of provisions for no-confidence motions against the President and Vice-President.

I shall, in view of the fact that it is proposed to move for a Select Committee to enable Government to adopt the varied useful suggestions which I am sure the Hon'ble Members will be proposing, advert only to some of the salient features of the Bill. The nomination of members as Hon'ble Members are aware, has in practice been difficult to work, in that it has not been possible to satisfy the contending parties and has led to complaints which have been voiced both in this House and outside. Therefore it is proposed to do away with the system of nomination altogether and to substitute reservation for the backward and minority communities who may have no chance in general elections. In the matter of elections the ward system for which there had been a cry in the past is proposed to be introduced. The educational and property qualifications for the election of Panchayatdars prescribed under the existing Act are proposed to be continued except in the case of Depressed Class representatives. Hon'ble Members, I am sure, will agree that this is necessary especially when the Panchayats as reconstituted is proposed to be invested with wider powers. The Panchayats do not have full-time clerks and the work of the Panchayats has suffered in no small measure on account of this. For the due exercise of the duties and powers that the new Panchayats will be called upon to discharge and exercise it is essential to provide them with the necessary staff and it is proposed to do so. The work of collection in regard to public health matters is proposed to be entrusted to the Panchayats and this again demands the provision of adequate staff. Further the clerks to be appointed are proposed to be given training in agricultural operations, in first aid, in veterinary science and rural development activities with a view to enable them to do outdoor work in leisure hours and make them useful practically in advising and helping the villager in the ordinary problems that confront him from day-to-day.

The proper functioning of the Panchayats is, I feel no doubt, a matter that is dear to the heart of every one of us as otherwise the needs of the villagers are not likely to be attended to promptly and effectively. The prime object of the Bill being as it is, the utilisation of the Panchayats as the agency through which the wants of the villagers are to be satisfied and the amenities supplied, I am sure, I can count upon the whole-hearted co-operation of every one in this House, whose suggestions based on rich and practical experience and the desire to make the Panchayats function in the manner they should, will be particularly welcome. With these few words, I would request the Hon'ble Members to accept this motion and accord an easy passage to this Bill and suggest the improvements they may consider necessary to enable the Select Committee to improve upon the Bill to the maximum extent possible.

Mr. B. V. K. Menon *(Joint Secretary to Government)*: I second the motion.

Mr. A. Eachara Menon *(Chittur-Rural)*: May I know when the Act which is now proposed to be amended in British Malabar was passed?

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Mr. President: It has not heen passed.

***Mr. A. V. Moothedan** *(Chalakkudi)*:* Sir, I have great pleasure to support the main principles of the Bill. At the same time, I rejoice in that the Hon'ble Minister and his party had been so pleased as to accept the principle of the Town Council Act inaugurated by his predecessor. Some of the party members now supporting this Bill were in season and out of season very vociferously attacking the Town Council Act, because it was imposing additional taxation. What does this Bill enact? I am not against additional taxation.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: What is now introduced is the Panchayat Bill?

Mr. A. V. Moothedan *(Chalakkudi)*: The name "Panchayat" is there. Virtually it is a Town Council or minor Municipality, or whatever name you may call it. I won't oppose that Bill because I want taxation for this purpose. It is only an eye-opener that they have been so vociferous in attacking that beneficent measure. The Hon'ble Member for Kunnamkulam was so very painstaking in that matter and he went to Chalakkudi and he organised a campaign against the Town Council Bill, and one fine morning I found several people of Chalakkudi in my house, saying that a Town Council should not be introduced in Chalakkudi. I am glad that such a member is supporting this Bill. That is a change to the good.

There are some other principles also. The Hon'ble Minister has stated that in every village there would be 5 members, 7 members, or 9 members according to the population. What I suggest is merely on the basis of population the number of members should not be fixed. For instance our Pariyaram-Melur area is so vast and if you fix this number to 5, it will be hard. What I say is that the area also should be taken into consideration. Now, the Hon'ble Minister has fixed it according to the population, *i.e.*, where there is 10,000 people there will be 5 members. What I say is, if the area is 5,000 acres, there should be 5 members and if the area is 7,000 acres there should be 7 members. The area also should be taken into condsideration. It need not be fixed by population alone, because it will cause hardship in some places. The hill or forest region is in our Panchayat. Therefore, by population alone you should not fix the number of members. It should be by area also.

On the question of reservation of seats, there are certain communities in Panchayat areas which cannot get elected in the Panchayats. There was a small committee appointed. We three had a small committee to allocate members for each community and we found a lot of difficulties. It is not clear from the Bill as to the number to be reserved for each community. For instance in a Panchayat area where there are 5 members, two seats are reserved for Ezhuvas and Muslims. Now the question is, those Ezhuvas and Muslim candidates will have to be voted by all the voters, Ezhuva voters or Muslim voters. That is to say, are you going to introduce special communal electorates in Panchayat areas. I do not want to have this nasty special communal electorates to be introduced in the Panchayats also. Special communal electorates we do not want. You may have joint electorates with reservation of seats. This ward election business is very good. But I think it is full of difficulties. In the municipalities the Hon'ble Advocate-General will say that he had a lot of difficulties in fixing the area of a ward. In the Ernakulam Municipality in some wards there may be 400 voters, whereas in some others only 75. There are every so many difficulties. In a village if you are going to introduce ward system it will complicate matters and there will be a lot of difficulties. Whatever the Panchayat Conference might have passed, I am saying from my own experience that ward election should not be introduced in the villages.

Rao Sahib M. Nanu Menon *(Ernakulam)*: What is the remedy?

Mr. A. V. Moothedan *(Chalakkudi)*: I have not got a ready made remedy now. You can find out one.

Then there is a mistake in the Bill. It may be due to an oversight. It is stated in section 11.—

"No person shall be qualified for election to any seat on a Panchayat unless—

(i) his name appears on its electoral roll; and

(ii) he has completed his twenty-fifth year of age; and

(iii) he can read and write Malayalam, Tamil, or English;"

These things are absolutely necessary. Then there are further qualifications, (*a*), (*b*), (*c*), (*d*), and so on. When we come to sub-division (*i*), it is stated "he is a person who has passed the Secondary School Leaving Certificate or an equivalent examination such as Matriculation, etc." So it will mean that a person who has passed the School Final Examination cannot read and write Malayalam. That is only a clerical mistake. That will have to be corrected.

*Speech not corrected by the Hon'ble Member.

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Then regarding no-confidence motions. No-confidence motion is necessary. To check the vagaries of the Panchayat President it is a healthly measure. It is stated here that for a no-confidence motion there should be a 3/5th majority. Why should such a high percentage be set up? A bare majority will be sufficient. Moreover, there are other difficulties. When the number of members is five, it is alright. But when the number is 7, it will be 4-1/5th and when the number is 9, it will be 5-2/5th. As in the case of the Deputy President of the Legislative Council a majority of the members on the rolls should be fixed. If there are 5 members, 3; if there are 7, 4; if there are 9; 5, and so on. That will be better. Then with regard to the no-confidence motions there are unnecessary details given. Even the time limit for the speech of a member is fixed here. I do not think it is necessary.

Mr. T. K. Nayar *(Minister for Rural Development):* It is all-important.

Mr. A. V. Moothedan *(Chalakkudi):* Even in this Council the duration of a member's speech is not fixed. Here it is done. Why all this? It may be left to the discretion of the President.

By this Act, very great financial responsibilities are thrown on the Panchayat. They are responsible for collection and for the utilisation of the money. What is the guarantee that these members will spend the money properly? In section 79 there is provision for filing a suit against the Panchayat President if he misuses or misappropriates funds placed by the Government at the disposal of the Panchayat. The section reads thus.—

"The President and every member of a Panchayat shall be liable for the loss, waste or misapplication of any money or property at the disposal or control of the Panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by Government."

If the President is a pauper and has no property what is the use of filing a suit for compensation? By this Act the collection of the market dues is in the custody of the Panchayat. For instance, in the Chalakkudi Panchayat there is a very big market the annual collection of which will come to four or five-thousand rupees. If the whole responsibility is thrown upon the Panchayat I don't know what will be the result. It must be watched with interest. But in the case of the Municipalities the Chairman's responsibility is very much reduced by the appointment of a Commissioner who will be responsible for many things. I do not find any provision for the appointment of a Commissioner or an Officer equivalent to the Commissioner for a group of Panchayats. For a group of Panchayats there must be an officer to manage the affairs and if you leave the whole in the hands of the Panchayat it will be very bad. There may be Panchayat Presidents who are honest and very efficient and I am glad to pay a tribute to them. But all the Panchayat Presidents will not be like that. Therefore, if such a great financial responsibility is thrown upon the Panchayat Presidents it is very bad. I am very pessimistic about that. But I don't oppose.

Section 78 says:

"Notwithstanding anything contained in the Code of Civil Procedure, Act XXIX of 1111, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election".

Now, why this provision. The Member for Mattancheri is an expert for getting a *writ of mandamus.* There must be provision for the issue of a *writ of mandamus.* In British India there is a provision for applying to a court of law for issuing a *writ of mandamus* restraining the officer from doing a thing. Now in a Panchayat election suppose the Election Officer wrongly or maliciously rejects a nomination paper or removes the name of a voter from the electoral rolls, say without any reason. What is the remedy. When the whole election is over he can do something. But suppose he wants to stand for the election. He has no remedy. Therefore, what I say is he should have the power as in British India. You are copying British India in season and out of season whenever you want it. Why not copy the provision in British India with regard to the issue of a *writ of mandamus.* It is a great right conferred upon the citizen for safeguarding his rights. In the case of Panchayats, Municipalities and the Legislative Council we must have that right. The High Court also is doubtful whether the High Court has power to issue such a writ or not. The view is divided. When the people of British India is enjoying that right why should you deny it to the people of Cochin? The Advocate-General is very famous for adducing reasons.

Mr. M. Sivarama Menon *(Advocate-General):* Does this provision exist in the Panchayat Act of British India.

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Mr. A. V. Moothedan *(Chalakkudi):* Not in the Panchayat Act.

If an officer wrongfully removes a voter's name or rejects his nomination paper he has to suffer without a murmur.

Sir, these are some of the points which I have found out on a casual reading. There may be other points also. The other members may throw more light on the subject.

***Mr. K. M. Ibrahim** *(Cranganur)*: Sir, I am glad that a famous authority on constitutional law like my Hon'ble friend the Member for Chalakkudi, though along with giving some reasonable criticisms have in effect supported the Bill.

Mr. A. V. Moothedan *(Chalakkudi):* Yes, I supported it.

Mr. P. Kumaran Ezuthassan *(Vadakkancheri):* He professed like that.

Mr. K. M. Ibrahim *(Cranganur):* And I am paying a compliment to him for that. Though I admit that I myself am here by the mandate of a reserved constituency from a general constituency reserved for Muslims, I cannot see eye to eye with my Hon'ble friend in his over-enthusiastic condemnation of special electorates. My point is whenever it is safe you may introduce that system. Whenever in particular conditions general constituency with reservation is deemed to be safe in the interests of the minorities, there is no harm in supporting them, but to condemn the special electorate system with so much of enthusiasm is a thing which I cannot support. An organised party like the Muslim League which has got the backing of ever so many forces in the land.....

Mr. P. Kumaran Ezuthassan *(Vadakkancheri):* Yes, that is true!

Mr. K. M. Ibrahim *(Cranganur):* Yes, In spite of all your attempts to deprive us of our rights, we will have our rights. That organised body like the Muslim League with veteran politicians who have been doing every so many sacrifices to the motherland and who have contributed so much for the formation of the public opinion in the cause of complete independence—though you people there may boast that your Congress alone has been doing anything—has supported such a system. I cannot see eye to eye with my Hon'ble friend Mr. Moothedan in so sweeping criticising the special electorate system. I am surprised, Mr. President, when the Hon'ble Member is so very hesitant about the representatives of the public in the Panchayat misusing money, because I must characterise him as blowing hot and cold in the same breath. He was only just now extolling the idea of Town Councils to the very heavens and he was saying that the Hon'ble Minister was in a way working on the same lines as the previous Minister. While that Town Council movement could believe the people with great financial commitments, how. I ask him, he could have so much of doubt when the representatives of the same public in the Panchayats are to have dealings with money. I am afraid his position is a bit inconsistent and especially when an ultra democrat like Mr. Moothedan, who was against all kinds of special protections and special constituencies, doubting the very representatives of the public when they have to deal with public money—I think that is rather an inconsistent position. Of course, I can understand the reasonableness of his suggestion of having some sort of executive agency to help the representatives of the people like the Commissioner of a Municipality, but the only trouble is it may make the administration top-heavy, an executive officer for Panchayat if one is to be appointed to supervise a Panchayat, or a group of Panchayats, has to be given pay etc. and we will have every so many Panchayats requiring an officer, and this would involve a lot of money. That is my objection to that. With these words, I close.

***Mr. V. K. Bhaskara Menon** *(Cranganur):* Sir, I am sorry that I am compelled to oppose this Bill brought forward by the Hon'ble Minister. I don't say that per se a bill like this is a mistake, but I oppose this Bill for the reason that the statement of objections and reasons makes it absolutely clear that there is no reason whatsoever for such a Bill to be introduced in this Council. I may be permitted to read the relevant portion of the objects and reasons, which will show that although all these powers have been vested in the Panchayat and they have been vested for the last 30 years, the Panchayats have not been exercising them or were not allowed to exercise them. I shall read the particular portion, so that it may be clearer to you. "Though the existing Act provides for the exercise by the panchayats of very wide powers, they are not in practice exercising or allowed to exercise sufficient powers." Reading that sentence, I am compelled to come to the concluison that either it is a case where the country is not ripe for a Bill of this sort because though the powers were there, they were not exercising them, or it might be a case that even if the powers are given by this Act, or any other piee of legislation, our Government will make it a point to see that the powers given are not allowed to be exercised. Either way, my submission to this House is that there is no meaning at all in having a Bill of this sort. My submission to the House is that if the powers are already existing—and our Government has decided that the powers should be given

*Speech not corrected by the Hon'ble Member.

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to the Panchayats so long ago as 30 years—if they could not be exercised by the Panchayats, then there is no purpose in having a new piece of legislation, and I cannot say that there will be any eflective Government by the Panchayats. I am not now upon the various detailed provisions of the Act. What I submit is there is no need whatsoever now at this stage for such a Bill to be introduced and till that is made clear by the Hon'ble Minister, I cannot for a moment side with him in support of this Bill.

Mr. K. Narayana Menon *(Mulakunnathukavu)* Mr. President, I regret that I have to share the opinion expressed by the Hon'ble Member for Cranganur with regard to this Bill. As stated and adverted to by him the very reading of the Statement of Objects and Reasons of this Bill will convince that this is unnecessary, if not uncalled for. My respectful submission to this House is a reading of the preamble to the Act which is already in existence I refer to Act V of 1089, which has been amended of and on and up to 1113 shows that it is more than sufficient and more than enough for the proper administration by and through Panchayats. Though it contains barely sections 1 to 17A regarding the relevant portions with which we are now concerned with, I am constrained to submit to this House that these 97 sections with as many (i) and (ii) and double numbers in (*a*), (*b*), (*c*), (*d*) in italics are not going to take us any farther than what has been done under the earlier Act. In the earlier Act all the functions that are expected of Panchayats to be performed are narrated in the preamble to the Act. To avoid unnecessary waste of time I would invite the attention of this Hon'ble House to that Act published in Volume I of the Acts and Proclamations of Cochin, Page 587. It would be seen from that at each and every one of the chapters that is now sought to be promulgated by the proposed Act, is incorporated there and more than that exercisd of civil jurisdiction is also contemplated. Now those sections after section 17 right up to 92 have now been removed by the operation of the Village Courts Act and the remaining portion is now the operative portion and I submit they are more than sufficient for the purpose of administering any Panchayat area within a village or a group of villages. The principle of the Act is that democracy should begin at the substratum or that rural development as the primary concern of the head of the transferred departments. The Panchayats should be the stepping stone to higher democratic institutions. Following, realising and considering all these aspects I congratulate the Hon'ble Minister for the Bill but I have to submit that the stepping stone can be made proper only if the foundation can be placed upon proper, solid, good and strong soil. As admitted by the present statement of objects and reasons and as has been said by the Hon'ble Member for Cranganur the existing Act provides for the exercise by Panchayats of very vide powers but they are not in practice exercising or allowed to exercise such powers. It may be due to either of the two things. I do not want to take either view. But it must be noted that this institution has been transferred to the Hon'ble Minister for Rulral Development, either to the present Minister or his predecessor, at least six years ago and it has been practically working. In the view, that, if even the transferred department cannot exercise the functions of the Act to a sucess, I fail to see how the incorporation of a large number of sections, most difficult to be read through and yet more difficult to be construed can serve any useful purpose. From a reading of this Act it will be seen that a major portion of the powers of the Panchayat is deprived of certain powers by vesting those powers in the President of the Panchayat, thus raising him to the status of the President of the United States. Next comes the powers in the person of the Director of Panchayats: He has got powers not only to control and supervise but also to supersede the Panchayats. His deputies are also given powers for this. But who his deputy will be or may be has yet to be seen from the rules that the Government may be pleased to frame.

When we pass on to the last stage we find the old Tudor despotism being exhibited by the last section. Sir, I may be permitted and excused for reading this section. "If any difficulty arises in first giving effect to the provisions of this Act or as to the first reconstitution or constitution of any Panchayat after the commencement of this Act, Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty." I have not come across such a section in any other enactment and that is what made me read that section. Sir, with all humility I beg to submit that this is a provision the like of which I have not come across in many of the other statutes. Even the Defence of India Act, does not go so far because there is some definitness about the powers to be exercised by the supreme power. Therefore, I submit that this legislation has not been thought of properly and has not been well-conceived. As submitted by the Hon'ble Minister to this House this is a copy of the same publication in the Madras Province which they have taken the trouble to copy

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but without knowing the implications and consequences, I would submit, Sir, that invariably on former occasions our Government used to profit by the experience of the Madras Government. If it has been a failure, our Government used to delete those sections which caused that failure in operation and make the necessary amendments so as to fit in with the conditions of life in the country of Cochin. The *Mutatis Mutandis* fashion has long ago ceased to exist and we have got our legislations with such changes as are necessary.

My humble submission is that this Panchayat Bill which is sought to be introduced is a precarious piece of legislation especially in these times. There are various provisions in the Act which place the citizen in a very serious predicament not to say risk. There are certain provisions regarding sanitation and conservancy. I take very serious objection to that. Is it not common knowledge that even in towns people commit all sorts of nuisances? Some two days ago while I was passing a street during the night time in the town of Ernakulam I saw a man committing what is fully and strictly a public nuisance in public place. When that is the case even in this town the Hon'ble Members can very well imagine what will be the state of affairs in these villages. With provision to penalise a man for throwing filth in the streets through a hole placed in his wall of his house and with the power to prosecute such an individual vested in the Panchayat President and his deputies, who may be sometimes a clerk on 25-40 or even a peon as was characterised here by some Hon'ble Members, this Bill will sit indeed, rather very hard on the villagers. As the Bill at present stands, absolute powers have been vested in the President in the name of self-governing democratic institutions. I am sorry to note, Sir, that from the wording of the different sections, most of them are here-after to be controlled by the rules to be framed by Government. Realising as I do that the Hon'ble Minister is a democrat and a person who occupies the place on the verdict of this House and that he may not act in an autocratic fashion, I am satisfied it is not an answer to a criticism of this legislation which says that all the powers are to be exercised hereafter under rules to be framed by the Government and thereafter to be made by the Government of Cochin without any reference to this House and which further says that an infringement of the rules entails penalty.

I have yet another point. This Bill which is a very important one was received by us only on last Tuesday. It is true that we have received it within the statutory time of seven clear days. We are people who have got other work and we have to attend to ever so many other Bills also. We have to steal hours and hours during the night time to present a case before this House so that it may have rhyme and reason. So what I request to you, Sir, is that at least in future we may be given breathing time before a Bill is introduced. No doubt, we have received it seven clear days before. They are perfectly within the four corners of the Government of Cochin Act and the Standing Orders but I place this before the House as well as the Chair for kind consideration so as to avoid such difficulties in the future.

Sir, I have only one more matter and I close. The main provision regarding the election and nomination and the removal and no-confidence motions which are thought to be novelties under this Act are to me and to my humble opinion not so very far-reaching or so very revolutionary as may be thought they are. The power of nomination is sought to be taken away and I submit, Sir, that the power of nomination is vested to keep the balance. To take away that power is absolutely not at all advisable. It is well known, Sir, that when the Village Courts Act was passed in this House, when the matter was mooted here, it was stated as a very very strong point in fovour of nomination that if elections are allowed to be conducted Village Court Judges will be partisons to one party or another and essentially it will hamper justice and the administration of justice. Now, Sir, according to this Bill power to prosecute persons for infringement of the sanitation provisions are vested in the President. He can prosecute any number of persons. A member of a Panchayat can prefer a complaint and only the sweet will of the Director who sometimes will have not the time to read through the papers can modify that. Therefore my submission to the House is that if such huge powers are to be granted to the democratic institutions or the proposed democratic institutions and such wide powers over its inhabitants and the general public to institute criminal proceedings, it would be rather very harsh and if partisanship of the election heat is to produce parties within the Panchayat area or Panchayat, we can more or less know what the real consequences are. From practical experience we see as soon as a general election is over, number of suits, both civil and criminal for and against the sympathisers and partisans of the members of this Hon'ble House are innumerable and it is rather shameful to submit this to any public audience, all the more so to this Hon'ble House. When it is a fact, we cannot mince or efface it. In the light of these facts, to have the power of nomination taken away

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and the power of prosecution vested in the Panchayat Presidents or their deputies who may sometimes be peons, lamp-lighters or street-cleaners, we can more or less imagine what the state of affairs will be. It is very easy to pass a legislation embodying all sort of important sections and to the public view present a case—here are vast embodiments of powers given to Panchayats, here are vast volumes of authority given to you, it is open to you to show your conscience and do public good. What a beautiful picture of democracy is this Panchayat? It is all very good. But in meeting the practical demands of responsible Government we will find that the same apology which is now tendered in the objects and reasons by the Hon'ble Minister will either be there or the Act will have to be repealed. Why create that contingency? That is my question.

Before a legislation is brought the first essential factor is that there should be a demand for it. There must be a consciousness on the part of the villagers that they want more powers, that they want statutory authority for the exercise of the power, for the exercise of the liberties, for the exercise of the functions, that they are anxious to have. Is not the statement of objects and reasons a tell tale picture? There is no demand. There is no hurry. Nobody on the face of the earth wants it. Otherwise what explanation can there be for such an Act on the Statute Book for the last thirty years, on the statement of the Government, it has not been acted upon, not been exercised and no explanation is given for the why or the wherefor. Who on earth prevented the Panchayat from exercising it? what on earth prevented the Government or the Hon'ble Minister from seeing these powers being exercised by the Panchayat for the good of the villagers? There was a Minister for at least six years and six years is not too short a period for the exercise of the functions conferred by section 17 of that Act. I would submit that in the light of these facts, this lgislation may be taken up at some later stage and I would request the Hon'ble Minister that he will be better advised to think over this measure, to concert and deeply go into the practical and acceptable things rather than the theory of legislation and to bring in a new Bill rather than rushing this on.

I may close this with a humble suggestion. Recently I had an occasion to read a paper upon Panchayats and there was a suggestion from a very distinguished gentleman, whose name I just forgot, suggesting that before rural development can be set in, it is the duty of Government to train the youth of place in all the ideas of rural reconstruction and the objects and reasons thereof and in the methods they have to adopt. I would respectfully draw the attention of the Hon'ble Minister as well as the Government and request them that a handful, say a dozen or less youths, from each village may be selected and they may be trained up in the ideals of rural reconstruction—all that is necessary for rural reconstruction rather than arm chair elqouence and the political speeches delivered from easy chairs—and then make them useful citizens to the society and through them work such a Bill as is now promulgated. The principles of this Bill are quite useful and quite acceptable. But I am sorry that the Bill as it stands is quite unacceptable.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, the birth of Panchayats, it is happy to note, synchronised with the closing days of the reign of one of the most illustrious of our rulers; the abdicated Maharaja of revered memory: Those of us who had the good fortune to watch the arduous attempts of that illustrious ruler to give us, to grant us, a boon—responsible Government. Yes, they were the attempts of that illustrious ruler in the closing days of his reign, know that when he found that it was not possible for him to give us what he wanted in a full measure; that illustrious ruler, Sir, has been pleased to grant unto his sons and daughters in the State what was possible for him and the boon thus granted is Act V of 1089: What a beautiful Act it is, as originally made! Look at section 11 of that Act, look at section 12 of that Act, as also read the preamble, as was just pointed out by the Hon'ble member for Mulakunnathukavu. A reading of the preamble of Act V of 1089, passing on to section 11, section 11-A and section 11-B which enumerate the functions, the powers, the duties and the various activities in which the so constituted Panchayats were expected to function and the wherewithals provided in section 12 dealing with the funds for working the provisions of section 11, would show that the boon from that illustrious ruler, if worked with intelligence, with generosity, with a long-range view, that Sir, if worked in that fashion, it would have led Cochin into full responsible Government years before. But unfortunately long 30 years this side after the grant of that boon, we are where we started, if we have not retrograded. I do not stand here to fix the blame for this unhappy, unenviable state of affairs. The basis for full responsible Government was laid by that boon in those sections. Unfortunate it is for Cochinites that Act that was not worked in the spirit in which it was granted. We shall not look into the reason why and we shall not enquire who is responsible for it. It is not profitable. But it is gratifying to note that with the introduction of dyarchy, the first Minister, who unfortunately passed away within 90 days of his coming into power, took a lively interest in this matter. But for his passing away, we would have found

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changes in the Panchayat Administration long ago. He was however followed by another public man in the Ministerial portfolio. Though he failed to co-ordinate the activities of rural life and have the same done through Panchayats, his successor in office, the present Hon'ble Minister, I am happy to note, is attempting to work the Panchayat in the proper spirit keeping in mind what the original Panchayat Act was intended to achieve. I am glad that the enviable lot of attempting to work Act V of 1089 in the spirit and with the subject with which that boon was granted fell to my dear friend, the Hon'ble Minister. And there is a reason for his laudable attempt. The present Hon'ble Minister, Sir, as the President of one of the most extensive of Panchayats in the Talappalli Taluk, I know, had been fighting while he was the President, for allowing him to work the Act then in existence, the particular sections which I have mentioned, in the spirit in which they were introduced. But he will bear with me, he will bear testimony to my statement, that he ignominously failed to have this attempt achieved. That was for reasons beyond his control. The wooden Government would not respond. Improvements in the Panchayat Act would not be made for fear of the sons and daughters of Cochin coming into prominence, perhaps to hold the reigns of Government soon. That was the fear I believe, I suspect that was the reason at any rate, and the result was my Hon'ble friend, the then President of the Thiruvilluamala Panchayat, failed. So with personal experience, knowing the limitations of the existing Panchayat Act, with the possibilities of the Panchayat Act contained in these three sections, it is just like him to come forward when the opportunity fell to him luckily to make his first honest attempt and let us hope, Sir, that he will succeed and eminently succeed, in achieving the objects aimed at in the Act.

Mr. President: May I take it that the Hon'ble Member will finish his speech within another 5 minutes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Sir, I am afraid I may not be able to finish in that limited time. In matters of legislation, time is a most minor factor.

Mr. President: I am referring to the rules under which we conduct the business of the House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: But, sir, as far as legislation is concerned, whatever time is necessary for expounding one's proposition is allowed under the rules.

Mr. President : With the permission of the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Not necessarily. Sir.

Mr. President : I didn't receive any application from the Hon'ble Member for time.

Mr. Kumaran Ezhuthassan *(Vadakkancheri)*: I make an appeal to the Hon'ble Chair if that is really necessary to kindly allow me such time as is necessary to expound my view-point of the case. Otherwise, I shall resume my seat and will be glad also to do so.

Mr. President : I am perfectly willing to adjourn the House now and allow the Hon'ble Member to continue this speech after lunch. But I should point out, as I once before did, that it is not considerate to other members to occupy much of their time. The House will reassemble after lunch at 2-35 p.m.

The House rose for lunch at 1-35 p.m. and reassembled at 2-35 p.m. with Panel Chairman Mr. C. N. Ittiravi Nambudiri in the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Mr. Chairman, when the House rose for lunch, I was just finishing the preface to my remarks on the Bill. Now I come to the Bill in hand. What should be done with the Bill ? It may be necessary to consider a few points in detail. As I submitted earlier, section 11 of the existing Act enumerates 18 items of business that can be gone into and worked up by the Panchayat, and section 12 of the old Act says that the funds available can be placed in the hands of the Panchayat. Whatever it be, they have complete control over it and they have to work out the programme laid down in section 11 from the funds that is given to them. Those items have been amplified in the new draft Bill, in sections 41 and 42, both together giving us 29 items of work which the Panchayat can go into and the next section, section 43 gives two more items. On the whole it gives into the hands of the Panchayat 31 items of useful works of untility to the villages, to be administered, worked and enjoyed by them. Viewed from that standpoint, it is clearly an advancement upon the existing Act and hence the Act is necessary. Whatever increase of powers of the citizens of the State must be welcomed by the representatives of the people.

Now, Sir, to arrest my argument, because the arguments were allowed to wander. In the place of 18 items of work which the Panchayat could go into under the existing Act, 31 items are sought to be given under the hands of the representatives of the people. Laudable indeed and acceptable therefore. But when we come to other portions of the Bill which deal with the exercise of these powers, the individuals or officers to work those powers, a word of complaint

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will justifiably be tolerated even by the Hon'ble Mover of the Bill. Now, in the discussion here, among a jumble of very irrelevant matters like communal electorates, Pakistan and allied subjects, all irrelevant for the discussion here, among a jumble of those things, certain things have emerged and those relevant facts will clearly indicate that the Bill brought forward with the most laudable object, is not one which can be improved properly and fully by a Select Committee. I do concede, that is one process. Defects in a draft Bill normally can be set right and the Bill brought into perfection according to the lights of a Select Committee. But there is in our Government of Cochin Act yet another provision which says that a Bill could be dealt with in another fashion, namely, that a Bill, a very useful Bill like the one which affects the every day existence of the masses in the villages, such a Bill can well be dealt with in another fashion, namely, circulating the same for eliciting public opinion, and then if necessary redrafting the Bill in the light of the public opinion thus collected. I would respectfully submit Sir, that this Bill is one which affects the every day life of the masses of the rural population, on which public opinion from quarters competent to give such opinion should be solicited and I earnestly make an appeal to the Hon'ble Mover of the Bill that he may be pleased to accept my suggestion, and instead of a Select Committee, which the Hon'ble Minister says he is about to move for as stated in his opening speech, I would respectfully appeal to him, instead of sending it to a Select Committee, let him be pleased to have the Bill circulated for eliciting the opinion of the public in as short or as long a time as is necessary, and in the light of public opinion, to redraft the Bill. That is the appeal that I wish to make to the Hon'ble Mover of the Bill I do not wholeheartedly and abjectly support the Bill as has been done by one Hon'ble Member, nor do I take the other extreme step of opposing the Bill on the ground that there was no necessity.—Both, I submit are fallacious. Therefore my course which is one between these two extremes, *via media* is always acceptable—I think. The existing Act, which contains very nearly 100 sections, more than 50 per cent of which dealing with activities of the Panchayat in judicial matters having been taken out of the Act by the very useful Village Courts Act recently passed by this House, the existing Act therefore requires redrafting and reenactment. Just as a building whose walls have fallen in a corner, whose rafters have been eaten away by white ants in another and yet in a third corner, some have been deliberately removed, that building certainly can not be sustained by repairs, this Bill also requires to be redrafted. Such a building will have to be overhauled. It will have to be constructed on a new model in cement and iron if they are available. But being war time, let us be satisfied with other materials....

Mr. V. K. Bhaskara Menon *(Cranganur):* Is it your position that if a few sections are replaced, the Bill will be appropriate? Supposing ten sections are taken away and 10 sections put there, as in the old Act, do you say, it will be alright?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am glad Sir, an interruption has been made, but I know that it is not seriously made. I know my Hon'ble friend who will try to give me something which will contribute to the discussion. It is not that spirit in which I advanced the example. It is not going to be satisfied by repairs. It won't stand with such repairs.

Mr. A. V. Moothedan *(Chalakkudi):* For one year, the building was standing there.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There are people among the Hon'ble Members here, who will be satisfied with dilapidated buildings even for housing Ayurvedic Hospitals, I know.

Therefore, my suggestion Sir, is not that the present Bill is not wanted, in as much as there is an existing Bill which could be improved upon—that is a fallacious ideo. My submission is that this very useful Bill which gives more powers to the Panchayat, co-ordinating the activities of almost all the nation building department a Bill brought forward with such laudable objects, with such amplified powers, may be redrafted in the light of the opinion gathered from the enlightened public of Cochin.

Mr. V. K. Bhaskara Menon *(Cranganur):* Question.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Deserves question.

Mr. T. K. Nayar *(Minister for Rural Development):* Is it the contention of the Hon'ble Member that a Select Committee is not in a position to elicit public opinion?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yes, I will answer that.

Mr. T. K. Nayar *(Minister for Rural Development):* Is that the position?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am glad Sir, that the question is put again. I shall answer that. If every opinion could be collected through a Select Committee, I fail to see the necesity for a provision for circulation for eliciting public opinion. Therefore, between eliciting public opinion through circulation and between eliciting public opinion through

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a Select Committee, there is, if I may use a proper expression, an ocean of difference. That is my point, the Hon'ble Member may be pleased to note.

Mr. K. M. Ibrahim *(Cranganur):* Simply because there is a provision, there is no meaning in saying that a Select Committee cannot elicit public opinion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The Hon'ble Member may please first see the point. Then he will see points developing. Don't please wander into other regions. Therefore, there is difference between these two forms of procedure. Since this a Bill which affects the life, the comforts, the conveniences of the rural masses in particular, though not in totality, this is a bill eminently a fit one upon which opinion from the public, not through Select Committees, but by the other process, namely, circulation, has to be obtained. I hope my appeal will be accepted by the Hon'ble Mover.

Mr. K. M. Ibrahim *(Cranganur):* The Select Committee can record opinions.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The Hon. Member from Cranganur can as well say that. On another occasion, that Hon. Member was pleased to state here that amendments can be moved here and the Bill passed. I cannot subscribe to that view and I refuse to lend my ears to such criticisms, because they are intended for other things.

Mr. K. M. Ibrahim *(Cranganur):* I am silenced.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* According to the Hon'ble Member who is keen on the finances of the State, excluding surely himself from the category, is now pleading for a costly Select Committee.

Mr. K. M. Ibrahim *(Cranganur):* He wants.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I refuse to give way. When one Hon'ble Member is on his legs, it is not right for another to speak. These acrobatics cannot be levelled against me. I will send them back with rebutted force and velocity.

Mr. K. M. Ibrahim *(Cranganur):* He wants Select Committee after circulation.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am proud to be guided by the dictates of the representatives of this House, namely, the Hon'ble Minister, but not by any deputies or self imposed deputies.

Panel Chairman: Mr. Ezhuthassan, your time is up.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I would have closed ten minutes back, but for these silly interruptions, Sir.

Mr. K. M. Ibrahim *(Cranganur):* Silly, silly.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I have got a ruling yesterday that silly is quite parliamentary. I have got that ruling from a great parliamentarian. When the Hon'ble President observed "Silly" was good English, I wanted to know whether it was parliamentary, and it was ruled that it was parliamentary. Since the Bill is one which requires to be circulated for eliciting public opinion, I make the appeal to the Hon'ble Mover once again, that he be pleased and the House be pleased to accord sanction to him and support me for sending out this Bill for eliciting public opinion which is the only correct and best thing that can be done in regard this Bill. If that motion does not come from the Treasury Bench, please take it from me, Sir, that it will come from this side.

Mr. P. P. Devassy *(Trichur-South):* Mr. President Sir, one point has been very seriously urged by the Hon'ble Members for Cranganur and Mulakunnathukavu against this Bill coming at this stage and at this time of the day. For thirty years, according to them, these provisions were already existing in the form of a statute and for some reason or other they were not enforced; the functions accorded by them to the public have not been exercised and they were not allowed to be exercised for a period of thirty years, and therefore, the argument is that such a Bill is not now necessary. The Hon'ble Member for Mulakunnathukavu further urged that there is no public demand and that the people do not themselves want any powers so much so there is no reason for the Hon'ble Minister to come before this House with a Bill. I feel that there is little logic in this argument against this Bill *(hear, hear)*. That there has been no demand on the part of the public clamouring for the exercise of the functions given by the old Act is not, according to my information, true to facts. I am told and reliably told that in conference after conference of the Panchayats of this State resolutions have been passed demanding facilities for the exercise of the functions conferred by the old Act. Probably for want of a proper man or properly constituted machinery for implementing the exercise of those provisions and unfortunately for the fate of selfgoverning institutions and the people of Cochin these provisions of law have not been exercised. That we had not the privilege for thirty years, that we had not the man to exercise those powers for the last 30 years is absolutely no reasons why we should not exercise them hereafter. That we have been trampled down, crushed and

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dumbed for the last thirty years is no reason why we should continue to be so for another lease of life. That we have not been able to do a thing in the past is no reason why we should not do it in our future. It is for these reasons I state, I cannot find any logic in the argument that because you are not exercising the functions for thirty years.....

Mr. V. K. Bhaskara Menon *(Cranganur):* Is there any guarantee that the functions will be exercised?

Mr. P. P. Devassy *(Trichur-South):* This is obstinacy. This is a childish stand which may be characterised by the parliamentary phrase "silly". I believe that those arguments will not appeal to the good sense of the House.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I request the Hon'ble Member to state how he hopes to exercise the functions conferred by the Act?

Mr. P. P. Devassy *(Trichur-South):* I am only answering him by saying that whether after the passing of this Bill these functions will be exercised or not one has to wait for some time under changed conditions. When I say changed conditions I mean the conditions brought about by the institution of a Ministry. The Hon'ble Member for Cranganur may say that it is six years since the Ministry came into existence.

Mr. V. K. Bhaskara Menon *(Cranganur):* It is too silly to answer brains.

Mr. P. P. Devassy *(Trichur-South):* I never claimed the possession of any monopoly of brains. I do not know how my learned friend has misunderstood me as making any claim to monopoly of brains. I leave it entirely, and unreservedly for the Hon'ble Member for Cranganur.

Mr. V. K. Bhaskara Menon *(Cranganur):* The Hon'ble Member does not misunderstand, please.

Mr. P. P. Devassy *(Trichur-South):* My position as that the argument that for the last 30 years these functions were exercised will not be an argument against trying to exercise it even now. I have also answered the position taken up by the Hon'ble Member for Mulakunnathukavu that the public have not been demanding it or that the public have not felt any necessity for the same. I mean the resolutions passed by the Panchayats from year to year will obviate that difficulty felt by the Hon'ble Member for Mulakunnathukavu.

Another difficulty that has been pointed out by the Hon'ble Member for Mulakunnathukavu was that it will be unwise, it will be prejudicial to the interests of the public, it will be even unsafe to the peace of the place if such large powers of prosecution are conferred upon an elected body, I mean the Panchayats. These are days when we claim more and more powers for self-governing institutions. When we seek to rely more and more on the efficiency of these self-governing institutions, I believe, the Hon'ble Member for Mulakunnathukavu will be described as behind the times when he pleads for the appointment of Government servants to administer justice between man and man. I would point out that it was only some six or seven years since Commissioners have been appointed in the Major Municipalities of this State. These powers which are now sought to be conferred on the Panchayats, nay much larger and greater powers, were exercised before the institution of Commissionerships in the Major Municipalities, by the Chairmen and the Councils of the respective Municipalities. If we could tolerate that, if the exercise of these functions by the Chairmen and the Councils of this State have not caused much danger to the public peace and public justice, I feel there is no reason why we should apprehend any difficulty or any want of safety with regard to the administration of justice and such other powers in the villages. Election rivalries, election animosities and the bad after effects of a contested election are not uncommon to municipalities and municipal councils. Therefore that there will be election rivalries and bad after-effects in Panchayats and that it will influence the persons concerned while administering justice between man and man in these Panchayat areas is no argument, and I believe that argument will lose much of its force when we compare what was being obtained in the Major Municipalities of the State. For these reasons I believe that those arguments which have been raised by the Hon'ble Members for Mulakunnathukavu aud Cranganur will not hold good with this House in considering whether this Bill is necessary or not.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: സർ, പഞ്ചായത്ത് നിയമം ആദ്യമായി കൊച്ചീരാജ്യത്ത് സ്ഥാപിതമായപ്പോൾ എന്റെ ഗ്രാമത്തിൽ ഒരു പഞ്ചായത്ത് വരികയും, അതിൽ ആദ്യമായി എന്നെ ഗവർമ്മെണ്ട് നോമിനേറ ചെയ്യുകയും ചെയ്തിരുന്നു. അതു കഴിഞ്ഞതിനുശേഷം ഇപ്പോഴും ഞാൻ ഒരു പഞ്ചായത്ത് പ്രസിഡണ്ടുമാണ്. ആ നിലക്ക് ഇത്ര വളരുകാലം പഞ്ചായത്തുമായി പരിശീലനമുള്ള ആൾ കൂടുതൽ അധികാരങ്ങളും അവകാശങ്ങളും പഞ്ചായത്തിലേക്ക് തരുവാനായി നിയമം കൊണ്ടുവന്നപ്പോൾ അതിനെ എതിർക്കുന്നതെന്താണെന്നു

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ചിലർ ആശ്ചര്യപ്പെട്ടുമായിരിക്കാം. ഇങ്ങിനെയുള്ള ഒരു നിയമമല്ല ഇവിടെ കൊണ്ടുവരുവാനുള്ളതെന്നാണ് എനിക്ക് ആദ്യമായിട്ട് പറയുവാനുള്ളതു്. (ഹിയർ, ഹിയർ) പഞ്ചായത്തിൽ ഇപ്പോഴുള്ള നിയമത്തിൽതന്നെ വേണ്ടിടത്തോളമുള്ള അധികാരങ്ങളും മറവുമുള്ള സ്ഥിതിക്കു് അതു ശരിയായി നടപ്പിൽ വരുത്താത്തതിനുള്ള കാരണമെന്താണെന്നു് ആരാഞ്ഞറിഞ്ഞു് അതിനുള്ള നിവാരണമാർഗ്ഗങ്ങളാണ് ആദ്യമായി ചെയ്യുവാനുള്ളതു്. ഒരു വൃക്ഷം ഉണങ്ങി വരികയാണെങ്കിൽ അതിന്റെ വേരിൽ നനക്കാതെ കൊമ്പിലും ഇലയിലും മാത്രം നനക്കുന്നതുകൊണ്ടു യാതൊരു പ്രയോജനവുമില്ല. വേറെ ഒരു മരം വെച്ചുണ്ടാക്കി അതു നനച്ചതുകൊണ്ടും കാര്യമില്ല. അതിനുള്ള കാരണം പറയാം.

ഈ ബില്ലിന്റെ ഒബ്ജക്റ്റ്സ് ആൻഡ് റീസൺസിൽ ആദ്യമായി പറഞ്ഞിരിക്കുന്നതു് വേണ്ടിടത്തോളം അധികാരങ്ങൾ അവർക്കുണ്ടു്. അവർ ആ അധികാരങ്ങൾ ചെലുത്തുന്നില്ല. ആ അധികാരങ്ങൾ നടത്തുവാൻ അവരെ സമ്മതിക്കുന്നുമില്ല. ഇതു് ആരാണു സമ്മതിക്കാത്തതെന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. ഈ അധികാരങ്ങൾ നടത്തുവാൻ അനുവദിക്കേണ്ട മേലുദ്യോഗസ്ഥൻ അതു് അനുവദിക്കുന്നില്ലെന്നാണു് നാം വിചാരിക്കേണ്ടതു്. അതു് എന്തുകൊണ്ടാണു് അനുവദിക്കാത്തതെന്നുള്ളതും നമുക്കാലോചിക്കുവാനുണ്ടു്.

മിസ്റ്റർ എ. ബി. സേലം: പ്രസിഡണ്ടന്മാർ അനുവദിക്കണമെന്നു് ആവശ്യപ്പെട്ടാൽ അനുവദിക്കാറില്ലേ?

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: എത്രത്തോളം തടസ്സം ചെയ്യാമോ അത്രത്തോളം തടസ്സം ചെയ്യുന്നുണ്ടു്. ഇപ്പോഴുള്ള മേലുദ്യോഗസ്ഥന്മാരെക്കൊണ്ടു് വേണ്ടപോലെ നടത്തുവാൻ സാധിക്കുന്നില്ല. അവരും മനുഷ്യരാണു്, മൃഗമല്ല. രണ്ടുമൂന്നു ഡിപ്പാർട്ടുമെണ്ടുകളും ഒന്നായി കൂട്ടിച്ചേർത്തു് അതിലേക്കു കൂടുതൽ ശമ്പളം കൊടുത്തു് ഒരു ഉദ്യോഗസ്ഥനെ നിയമിക്കുന്നതുകൊണ്ടു് പഞ്ചായത്തു നടപടികളിൽ വളരെ വീഴ്ചകളും അവർ വരുത്തീട്ടുണ്ടു്. ശമ്പളം കൂട്ടിക്കൊടുക്കുന്നതുകൊണ്ടു് ജോലി കൂടുതൽ എടുക്കുവാൻ സാധിക്കുമോ? പഞ്ചായത്തു് ആദ്യം ദിവാൻപേഷ്കാരുടെ കീഴിലായിരുന്നു. പിന്നീടു് അതു് വേറെ ഒരു ഉദ്യോഗസ്ഥന്റെ കീഴിലാക്കി. അതിൽപിന്നെ അതു് കൃഷി സൂപ്രണ്ടിന്റെ കീഴിലാക്കി, പിന്നെ ഒരു കാലത്തു് രണ്ടുമൂന്നു ഡിപ്പാർട്ടുമെണ്ടുകളും കൂട്ടിച്ചേർത്തു് കൂടുതൽ ശമ്പളമുള്ള ഒരു ഉദ്യോഗസ്ഥനെ നിയമിച്ചു.

കോവർ കഴുത എന്നു പേരുള്ള ഒരുതരം മൃഗമുണ്ടു്. അതിന്റെ പുറത്തു് ഭാരം വളരെ കയറ്റിയാൽ അതു പിന്നെ നടക്കുകയില്ല. നടക്കുന്നില്ലെന്നുകാണുമ്പോൾ ഭാരമുള്ള കല്ലോ മറ്റേതെങ്കിലും സാധനമോ എടുത്തുകൊണ്ടുപോയി അതിന്റെ മുമ്പിൽ കൊണ്ടുപോയി ഇട്ടാൽ തന്റെ പുറത്തു കയറ്റിയിട്ടുള്ള ഭാരം മുഴുവൻ ഇറങ്ങിയെന്നുള്ള വിചാരത്തോടുകൂടി അതു് ഓടിത്തുടങ്ങും എന്നു പറയാറുണ്ടു്. അതുപോലെ ഒരു ഉദ്യോഗസ്ഥന്റെ ശമ്പളം കൂട്ടിയതുകൊണ്ടു് അദ്ദേഹത്തിന്റെ ജോലിയുടെ ഭാരം കുറയുമെന്നു വിചാരിക്കുവാൻ ന്യായമില്ല. ഈ കാരണംകൊണ്ടാണു് ഇങ്ങിനെയുള്ള വീഴ്ചകൾ ഉണ്ടായിരിക്കുന്നതു്. അതുകൊണ്ടു് പഞ്ചായത്തിലേക്കു് മാത്രമായി ഒരു ഉദ്യോഗസ്ഥനെ പ്രത്യേകം നിയമിക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്. ഇതിലേക്കു് ഒരു കഥ പറയാം. ഒരു അച്ഛൻ തന്റെ മകൾക്കു കല്യാണം തീർച്ചയാക്കി. തനിക്കു കല്യാണത്തിനു നിശ്ചയിച്ചു തീർച്ചയാക്കിയ പുരുഷനു് എത്ര വയസ്സായി എന്നു് ആ കുട്ടി അച്ഛനോടു ചോദിച്ചു. ൪൦ വയസ്സായി എന്നു പറഞ്ഞു. ൨൦ വയസ്സായ രണ്ടാളെ കല്യാണം കഴിച്ചാൽ ൪൦ വയസ്സായ ഒരാളെ കല്യാണം കഴിക്കുന്നതാ ഫലമില്ലേ എന്നു് ആ കുട്ടി ചോദിച്ചു. ൨൦, ൨൦ വയസ്സിൽ രണ്ടാളായിക്കൊള്ളട്ടെ എന്നാണു് ആ കുട്ടി പറഞ്ഞതു്. ആ കുട്ടത്തിൽ ഞങ്ങൾ പറയുന്നതു് ൫൦൦ ഉറുപ്പിക ശമ്പളത്തിൽ രണ്ടുമൂന്നു ഡിപ്പാർട്ടുമെണ്ടുകളെ ഭരിക്കുവാനായി ഒരാളെ വെച്ചിരിക്കുന്നതിനു പകരം ൪൦൦, ൪൦൦ ഉറുപ്പിക കൊടുത്തു് രണ്ടാളെ വെച്ചാൽ മതിയെന്നാണു് ഞങ്ങൾ പറയുന്നതു്. അങ്ങിനെ തരുന്നപക്ഷം ഇപ്പോഴുള്ള നിയമംകൊണ്ടുതന്നെ ഈ പഞ്ചായത്തു നടപടികൾ ശരിയായിട്ടു നടക്കും.

എതായാലും ഇപ്പോൾ നടപ്പിലുള്ള ബില്ലു് വേണ്ടപോലെ നടപ്പിൽ വരുത്തിക്കഴിഞ്ഞതിനുശേഷം ഇങ്ങിനെ ഒരു പുതിയ ബിൽ കൊണ്ടുവന്നാൽ നന്നായിരിക്കുമെന്നാണു് എനിക്കു് അഭിപ്രായമുള്ളതു്. ഈ ബില്ലിൽ എന്തെല്ലാം അപകടങ്ങളാണു് ഉള്ളതെന്നു് ഇപ്പോൾ പറയുവാൻ സാധിക്കുകയില്ല. ഇതിൽ അബദ്ധങ്ങൾ വളരെയുണ്ടു്.

മൃഗങ്ങളെ വഴിയിൽ അഴിച്ചുവിടുവാൻ പാടില്ലെന്നാണു് പറയുന്നതു് വില്ലേജുകളിൽ ഒന്നും അങ്ങിനെ ചെയ്യാൻ പാടില്ലെന്നു പറഞ്ഞാൽ അതു വളരെ അപകടമാണു്. ഇങ്ങിനെയു

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ള്ള പല സെക്ഷൻസും വളരെ അപകടമുള്ളതായി ഇതിൽ കാണുന്നുണ്ട്. അതുകൊണ്ട് ഇപ്പോൾ ഇങ്ങിനെ ഒരു നിയമം കൊണ്ടുവരണമെന്നില്ല. ഇപ്പോൾ നിലവിലുള്ള നിയമം തന്നെ ശരിയായി നടപ്പിൽ വരുത്തിയാൽ മതിയാകുമെന്നാണ് എനിക്ക് അഭിപ്രായമുള്ളത്. പഞ്ചായത്ത് ഡിപ്പാർട്ടുമെണ്ടിനെ മാത്രമായി വേർതിരിച്ച് അതിൽ ഒരു മേലധികാരിയെവെച്ച് ഇപ്പോഴുള്ള നിയമങ്ങളെല്ലാം ശരിയായി നടപ്പിൽവരുത്തിയതിനുശേഷം —അതിന്റെ ഗുണദോഷങ്ങളെല്ലാം നല്ലവണ്ണം ഗ്രഹിച്ചതിനുശേഷം— ഇങ്ങിനെയൊരു നിയമംകൊണ്ടു വരികയല്ലാതെ ഇപ്പോൾ ഒരു അതുത്തിയും അവസാനവുമില്ലാത്ത നിലയിൽ ഇതു കൊണ്ടുവന്നിരിക്കുന്നതു ശരിയല്ല. നമ്മുടെ രാജ്യത്താണെങ്കിൽ മിക്ക ദിക്കുകളിലും ഒറ്റയൊറ്റയായിട്ടുള്ള വീടുകളാണ്. അതുകൊണ്ട് ഇങ്ങിനെയുള്ള നിയമം കൊണ്ടുവരുവാൻ പാടില്ല. ഗ്രാമങ്ങളാണെങ്കിൽ പശുക്കളെ പുറത്തക്കു വിട്ടാൽ പിടിക്കുക. അറസ്റ്റ് ചെയ്യുക എന്നുള്ള നിയമം വെച്ചാൽ തരക്കേടില്ല. ഇങ്ങിനെയുള്ള വളരെ അസംബന്ധങ്ങൾ ഈ ബില്ലിലുണ്ട്. ഗ്രാമങ്ങളുള്ള ദിക്കുകളിൽ നിയമമാക്കേണ്ട ബില്ല് ഒറ്റയൊറ്റ വീടുകൾ മാത്രമുള്ള ദിക്കുകളിലും ബാധിക്കുന്ന വിധത്തിലാണ് ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്നത്.

മിസ്റ്റർ സി. വി. ഇയ്യു: കൊച്ചീരാജ്യത്തെ പരിതസ്ഥിതിതന്നെയല്ലേ മലബാർ ഡിസ്ട്രിക്ടിലും?

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: മലബാറിൽ നടപ്പിലിരിക്കുന്ന നിയമം ഇൻഡ്യയെ മുഴുവൻ ബാധിക്കുന്ന ഒരു നിയമമാണ്. മലബാറിൽ ഇവിടത്തെപ്പോലെയല്ല, അടുപ്പിച്ചടുപ്പിച്ച് വളരെ വീടുകളുണ്ട്. അതുകൊണ്ട് ഗ്രാമങ്ങളുള്ള ദിക്കുകളും ഒറ്റയൊറ്റ വീടുകളും മാത്രമുള്ള ദിക്കുകളും തമ്മിൽ വളരെ വ്യത്യാസമുണ്ട്. അതുകൊണ്ട് ഇങ്ങിനെ ഒരു നിയമം കൊച്ചി രാജ്യത്തുള്ള എല്ലാ വില്ലേജുകളിലും നടപ്പാക്കിയാൽ ശരിയാകയില്ല.

മിസ്റ്റർ സി. വി. ഇയ്യു: മലബാറിൽ ദോഷമുണ്ടെങ്കിൽ കൊച്ചിയിലും ദോഷം നേരിടും.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: ഒറ്റയൊറ്റ വീടുകൾ മാത്രമുള്ള ഗ്രാമങ്ങളിൽ ഇങ്ങിനെയുള്ള നിയമം വരുത്തുവാൻ പാടില്ലെന്നാണ് ഞാൻ പറയുന്നത്. അതുകൊണ്ട് തൽക്കാലം ഇങ്ങിനെയൊരു ബില്ലിന്റെ ആവശ്യം ഇല്ല. ഇപ്പോഴുള്ള നിയമമനുസരിച്ചുള്ള അധികാരങ്ങൾ ശരിയായി നടപ്പിൽ വരുത്തുന്നതിനുമുമ്പായി ഇങ്ങിനെയുള്ള ഒരു ബില്ല് കൊണ്ടുവരേണ്ട ആവശ്യമുണ്ടെന്നു എനിക്കു തോന്നുന്നില്ല. (ഹിയർ, ഹിയർ)

Mr. Joseph Pettah *(Adur)*: Mr. President, Sir, I beg to add a few words to the discussion on this Panchayat Bill. There was a very lengthy opposition to this Bill, but I find that the arguments advanced in opposing the Bill would not stand scrutiny. One objection is that according to the old Act, there have been very wide powers conferred upon the Panchayats, but that these powers have not been exercised and that therefore no new Act is necessary, but only a revival of the old Act, I mean, an enforcement of the old Act, which would be quite sufficient. Now, it is relevant to ask why the Panchayats did not exercise those wide powers. The answer is there in the next sentence of the statement of objects and reasons of the present Bill that "they were not allowed to exercise those powers". Where to locate the blame for not allowing them to exercise their powers is very little of our concern now. My Hon'ble friend the Member for Nellayi has stated that it was all due to the clubbing of various Departments under one and the same man and the consequent inefficiency arising out of such a system. But he has forgotten the fact that this Act was passed 30 years ago, (I think I am correct), and that at that time and even for a long time after that, this clubbing of the Departments under the same head, as it is now done, was not obtaining. There were also periods during this long span of time when the Panchayats were under a separate officer. Even then these powers were not allowed to be exercised. Therefore, it is not because Departments were clubbed together under one and the same officer that the powers of the Panchayats were not allowed to be exercised. There must have been some other reason. Whatever the reason, the fact now is that these powers have not been exercised for the last so many years. And now we have a Ministry, a responsible Ministry which, too, is fairly old; and it is indeed a fact that in the early days of the Ministry too, this Act was not enforced. But, that too, is a thing of the past and we are not going to reopen that chapter now. Taking things as they are now, we want that these powers should be enforced and exercised, and also that they should be increased or enhanced. There are two things needed even for enforcing these powers. In the first place it is good that a new Act is passed in view of the very many changes which might have occurred since the passing of the Panchayat Act 30

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years ago. A proper exercising of the powers vested in the people by that Act would require some slight modifications in its provisions in the light of the developments that have taken place since. Again, even apart from all that, a revitalising of those powers would be desirable and even necessary, because they have been fallen into dis-use, as it were by 30 years of inaction. And that again calls for fresh Act. These, however, are only the minor grounds for the introduction of the present Panchayat Bill.

The major ground is that more powers have to be given to the Panchayats, and that is expressely mentioned in the statement of objects and reasons of the new Bill. More powers have to be given to the Panchayats in view of the developments that have taken place since the passing of the old Act. The world has moved on during these 30 years and more especially it has moved on in regard to the ideas connected with Local Self-Government. Central Governments and local bodies like the Municipalities and District Boards, have begun to widen and increase their functions every day. The Governmental Bodies are increasing their functions with a view to provide more and more of social amenities to the public. Therefore, it is necessary that the powers of our Panchayats also should be widened and that they should be made real and effective.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Nobody questions that, Sir.

Mr. Joseph Pettah *(Adur):* If nobody questions that, there is no reason for opposing the Bill either. Hon'ble Members, some of them, (I don't mean the Hon'ble Member for Vadakkancheri) opposing the Bill on the ground that a new Bill is not necessary now, said that it is enough simply to give effect to the provisions of the existing Act. I am speaking with reference to that point. I have shown that even in regard to the enforcing of the powers conferred by the old Act some modifications in its provisions would be necessary. I have also pointed out that the major ground, however, for the introduction of a new Act is that there is the necessity to give wider powers to the Panchayats in view of modern developments.

Above all, as it is now contemplated in the present Bill, every village must have a co-ordinating centre for the diverse activities connecter with its welfare. So far, the various Government Departments have been working with very little of co-ordination among them. In a village, at one time the Agricultural Department would be doing something, at another time, the Health and Sanitation Department would be doing something, at still another time, it would be the turn of the Education Department, and then again of the Co-operative Department:—all these Departments would be doing things in a disconnected fashion, without any idea of co-ordinating their functions into any definite well-planned system. Now, the modern tendency in progressive countries is to have rural reconstruction on a co-ordinated plan. If you study conditions prevailing in the Madras Presidency, you can see that there also rural reconstruction centres have been established in very many places and that the idea is to co-ordinate the work of the various Departments with regard to particular areas. So, the Bill very naturally and rightly contemplates the idea of making the Panchayat in our villages, too, a co-ordinating and balancing centre for the various activities of the several governmental departments like Agriculture, Co-operation, Health and Sanitation, and even Education. In these matters, a central body, I mean I local central body, is necessary in order to ensure system and continuity and thus to secure the maximum good; and this is the chief motive behind the present Bill.

Objections have been raised from another quarter, objections on the score of the restrictions which the Act might impose upon the people, upon the liberties of the village folk. It has been argued that this Bill would be imposing manifold restrictions on the daily routine of the village people and that prosecutions and and such other proceedings might be initiated by subordinate officers of Rs. 25-40, or even by peons and so on. Mr. President, Sir, let us consider the question dispassionately. Let us look into the implications of Law and Government in General. Civilised life implies restrictions imposed upon the disorderly conduct of people; and we too here in Cochin cannot ensure civilised life unless we are prepared to have restrictions imposed upon our own selves, that is legitimate restrictions of course. Such restrictions should be welcome to all right thinking men; and they should be all the more wel-come when they are imposed by a democratic body like this House and enforced by a democratic officer like a responsible Minister. But without restrictions no civilised life would be possible. And the more civilised we become, the greater would be the restrictions on some of our idiosyncracies, on our waywardness, on our individualistic and disorderly tastes and inclinations. In the village life also, regulation is necessary if we want to have it conducted on a civilised plane.

Then there is the objection that under the proposed Panchayat Act prosecutions would be undertaken or initiated by subordinate officers. That is an objection with regard to the

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administration, not against the principle or any of the clauses, of this Act. But does it not obtain in the case of other Acts also? Look at the Revenue Department. There also the Diwan Peishkar receiving some complaint about an encroachment on poramboke lands may send it on for investigation and report to the Tahsildar, the Tahsildar sends it to his Parvathiam the Parvathiam, entrusts it to his Masapadi. Thus subordinate officers may very often have something to do in these matters. That is quite incidental, if not inevitable, to the administration of most Acts. The only thing we could do would be to minimise as far as possible the evil effects of such a contingency; and in the particular case of this Panchayat Bill we are hopeful that when the whole thing is administered by a responsible Minister, the the chances of such irregular and improper procedure would be reduced to a minimum.

Therefore, the contention that there would be restrictions imposed upon the freedom of people cannot be advanced as a valid argument against the introduction of this Bill. Also the argument that the powers conferred upon the Panchayats by this Bill might occasionally be exercised by subordinate low-paid officers, cannot stand. Lastly, there was the objection from some Hon'ble Members that the new Bill was uncalled for, or that there was no demand for it from the public. But as has already been remarked here, Panchayat conference have time and again been passing resolutions putting forward a demand for more reforms with regard to the Panchayat Administration. Even apart from, that, even on the floor of this House we have been reiterating the demand for more and more of Local Self-Government. It has been our constant demand in this House and outside that there should be more powers granted to the Municipalities and the Panchayats. And we look up to the ideal in the ancient past of India where the Panchayats were living bodies, having to do something very vital and very directly connected with the village administration. Our ambition is to restore our Panchayats to that position once again; and I am sure the introduction of such salutory measures as are embodied in the present Bill, more especially when they are controlled and enforced by a democratic officer, such as a Minister responsible to this House, will conduce very greatly to the restoration of the Panchayats to their pristine prestige and to the eminent position they were occupying in ancient India.

മിസ്റ്റർ സി. വി. ഇയ്യു സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു. ഈ ബില്ലിന്റെ വാദപ്രതിവാദ വേളയിൽ ഇതു് ഏതാണ്ടു് അടച്ചുപൂട്ടിയിടപ്പെട്ടിട്ടുള്ള ടെംണ്ട് കൌൺസിൽ ബില്ലിന്റെ വേറെ ഒരു അവതാരമാണെന്നു് ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ ഇവിടെ പറയുകയുണ്ടായി.

മിസ്റ്റർ എ വി. മൂത്തേടൻ: അതു ശരിയാണു്.

മിസ്റ്റർ സി. വി. ഇയ്യു: ടെംണ്ട് കൌൺസിൽ ബില്ലിൽ പുതിയ നികുതികൾ ചുമത്തുന്നതിനുള്ള വ്യവസ്ഥയുണ്ടായിരുന്നു. അങ്ങിനെയുള്ള ഒരു വകുപ്പോ വ്യാഖ്യാനമോ ഈ ബില്ലിലില്ല.

മിസ്റ്റർ ടി. കെ. നായർ: ഒരു പൈപോലും നികുതി ചുമത്തുവാനുള്ള നിയമം ഇതിലില്ല.

മിസ്റ്റർ സി. വി. ഇയ്യു: നികുതി ചുമത്തലാണെങ്കിൽതന്നെയും മൈനർ മുനിസിപ്പാലിറ്റികളിലുള്ളതിനേക്കാളും കൂടുതൽ നികുതി ചുമത്തുന്ന വ്യവസ്ഥകൾ കൂടി ടെംണ്ട് കൌൺസിൽ ബില്ലിൽ ഉണ്ടായിരുന്നു. ടെംണ്ട് കൌൺസിൽ ബില്ലിന്റെ ദോഷവശങ്ങളെ സംബന്ധിച്ചു രണ്ടു മൂന്നു പത്രങ്ങളിൽ ഞാൻ തന്നെ വ്യാഖ്യാനിച്ചു എഴുതിയയച്ചിട്ടുണ്ടായിരുന്നു. മലബാർ മെയിൽ Cochin Argus എന്നീ പത്രങ്ങളിൽ.

മിസ്റ്റർ വി. കെ. ഭാസ്കരമേനോൻ: അതിനെപ്പറ്റി കുറെക്കൂടി വിശദമായിട്ടു പറയുക.

മിസ്റ്റർ സി. വി. ഇയ്യു: സമയം അതിനു അനുവദിക്കുന്നില്ല. അതെല്ലാം കൊച്ചിയിലെ പത്രങ്ങൾ വായിക്കുന്നവർക്കെല്ലാം അറിയാം. ഈ കൌൺസിലിലെ മുമ്പിലത്തെ റിപ്പോർട്ടുകൾ വായിച്ചു നോക്കിയാൽ ടെംണ്ട് കൌൺസിൽ വിഷയം എത്രത്തോളം പവിത്രചവ്വണം ചെയ്തിട്ടുണ്ടെന്നുള്ള ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർക്കു മനസ്സിലാകും മുനിസിപ്പാലിറ്റിയില്ലാത്ത സ്ഥലങ്ങളിൽ വാഹനങ്ങൾക്കു ചുങ്കം ചുമത്തുന്നതിനുവേണ്ടി വേറെ രൂപത്തിൽ കൊണ്ടുവന്നതാണു് ടെംണ്ട് കൌൺസിൽ ബില്ലു്. എന്നാൽ ഈ ബിൽ ആ രൂപത്തിലുള്ളതല്ല. സാമ്പത്തിക താൽപര്യങ്ങളെ നിലനിറുത്തുന്നതിനുവേണ്ടി ഈ രാജ്യത്തെ സമുദായ പ്രതിനിധികൾക്കു് റിസർവേഷൻ സംപ്രദായം അനുവദിച്ചുകൊണ്ടുള്ള ഏറ്റവും ഇടുങ്ങിയ ബില്ലായിട്ടാണു് ഇതിനെ രൂപീകരിച്ചിട്ടുള്ളതു്. നിലവിലുള്ള പഞ്ചായത്തു ബിൽ മാറ്റുവാൻ വേണ്ടിയുള്ള വല്ല പ്രക്ഷോഭണങ്ങളും ഉണ്ടായിരുന്നുവോ എന്നു്

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ബഃ മുളകുന്നത്തുകാവു മെമ്പർ ചോദിക്കയുണ്ടായി. പരേതനായ ബഹു: മിസ്റ്റർ ശിവരാമമേനോൻ മന്ത്രിയായിരുന്ന കാലത്തു് നിലവിലുള്ള പഞ്ചായത്തു് ആക്ടു് ഭേദഗതിചെയ്തു പരിഷ്കരിക്കുന്നതിനുള്ള ഒരു പദ്ധതി ഒരു ഉപക്ഷേപം മൂലം ഫ്ലക്സ്-ലെ ബഡ്ഡറ്റ സമ്മേളനത്തിൽ ഞാൻ അവതരിപ്പിച്ചപ്പോൾ അതു് അത്യാവശ്യമാണെന്നും, അതിനെപ്പറ്റി ഗവമ്മേണ്ടിന്റെ ആലോചനക്കു വിഷയീഭവിപ്പിക്കാമെന്നും അദ്ദേഹം മറുപടി പറഞ്ഞിട്ടുള്ളതു് അന്നത്തെ കൌൺസിൽ റിപ്പോർട്ടുതന്നെ സാക്ഷീകരിക്കുന്നുണ്ടു്. അതിനുശേഷം പിന്നത്തെ മന്ത്രിയുടെ കാലത്തും ആ വിഷയം പലപ്പോഴും അദ്ദേഹത്തിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരികയും; അതിനെക്കുറിച്ചു് ആലോചിക്കുന്നുണ്ടെന്നു മറുപടി പറയുകയും ചെയ്തിട്ടുണ്ടു്. ഫ്ലക്സ്-ൽ ഞാൻതന്നെ ഒരു പഞ്ചായത്തു നിയമ ഭേദഗതി ബിൽ അവതരിപ്പിച്ചിട്ടുണ്ടു്. വാർഡ് സിസ്റ്റം വേണമെന്നു് പലപ്പോഴും ഈ സഭയിൽ ആവശ്യപ്പെട്ടിട്ടുള്ളതിനും പുറമെ എന്റെ ബില്ലിൽ ഞാൻ വിവക്ഷിക്കയും പല കൊല്ലങ്ങളിലും പഞ്ചായത്തു കാൺഫറൻസുകളും അങ്ങിനെയുള്ള നിശ്ചയം പാസാക്കുകയും ചെയ്തിട്ടുണ്ടു്. പഞ്ചായത്തു കാൺഫറൻസു് ആവശ്യപ്പെട്ടിട്ടില്ലാത്ത യാതൊരു സംഗതിയും ഈ ബില്ലിലില്ല. ഇൻഡ്യാരാജ്യത്തു പൌരാണിക കാലങ്ങളിൽ ഉണ്ടായിരുന്നതായ ഒരു ഭരണ സംപ്രദായമാണു്, അതായതു് നാട്ടുരാജ്യങ്ങളേയും സംസ്ഥാനങ്ങളേയും സഹായിക്കുവാനായിട്ടുള്ള ഒരു ഭരണ സംപ്രദായമാണല്ലോ പഞ്ചായത്തു ഭരണ സംപ്രദായം. എന്നാൽ അതു് ആധുനിക കാലത്തു പുനഃസ്ഥാപിതമായിട്ടുള്ള ഒന്നാമത്തെ രാജ്യം ഇതാണെന്നാണു് നമുക്കഭിമാനിക്കുവാനുള്ളതു്. പഞ്ചായത്തു സംപ്രദായത്തിലുള്ള ഗ്രാമീണ ഭരണം നു ഠ കൊല്ലത്തോളം നടപ്പിൽ വരുത്തുന്നതിനു് ആത്മാർത്ഥമായി പരിശ്രമിച്ചിട്ടുള്ള പല ഗവമ്മേണ്ടുദ്യോസ്ഥന്മാരും അനുദ്യോഗസ്ഥന്മാരും ഇന്നും ജീവനോടുകൂടിയിരിപ്പുണ്ടു്. ഈ ബില്ലിന്റെ തത്വത്തെക്കുറിച്ചു് ഇവിടെ വാദപ്രതിവാദം ചെയ്തു് പൊതുജങ്ങളുടെ അറിവിന്നായി ഗസറ്റിൽ പ്രസിദ്ധീകരിക്കുന്നതിനും പുറമെ ഇതു് ഒരു സെലക്ടു് കമ്മിറ്റിക്കു റഫർ ചെയ്തു് ഇതിലും കൂടുതൽ ഈ ബില്ലിനെ നന്നാക്കുവാനുള്ള സൌകര്യം നമുക്കുണ്ടു്.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: സർക്കുലേഷൻ അയച്ചാൽ എന്താണു വിരോധം

മിസ്റ്റർ സി. വി ഇയ്യു: സർക്കുലേഷൻ കഴിഞ്ഞിട്ടു് സിലക്ടു് കമ്മിറ്റിക്കയക്കണമെന്നാണോ ബഹുമാനപ്പെട്ട മെമ്പർ പറയുന്നതു്?

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: സർക്കുലേഷൻ കഴിഞ്ഞശേഷം ബില്ലു് റിഡ്രാഫ്ടു് ചെയ്തു വന്നാൽ അതിന്റെ സ്വരൂപം കണ്ടുഅപ്പോൾ എന്തു വേണമെന്നു തീർച്ചപ്പെടുത്തും.

മിസ്റ്റർ സി. വി. ഇയ്യു: അതു ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. ഈ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളം പറയുകയാണെങ്കിൽ കൊച്ചിരാജ്യത്തുള്ള ജനങ്ങളെന്തന്നെ പഞ്ചായത്തു ഭരണ സംപ്രദായം കഴിഞ്ഞ നു ഠ കൊല്ലത്തോളം പരിശീലിച്ചിട്ടുള്ളവരാണു്; മദിരാശിയിലൊ ബോംബെയിലൊ മറ്റു നാട്ടുരാജ്യങ്ങളിലൊ ഉള്ളതിനേക്കാൾ പഞ്ചായത്തു ഭരണ വിഷയത്തിൽ കൂടുതൽ പരിചയമുള്ള പൊതുജനങ്ങളാണു നമ്മുടെ രാജ്യത്തുള്ളതു്. അതുകൊണ്ടു് ആ ഭരണ സംപ്രദായത്തെ കൂടുതൽ പ്രായോഗികമാക്കാനായിട്ടാണു ബില്ലുകൊണ്ടു ഉദ്ദേശിക്കുന്നതു്. ഈ ബില്ലിനെ സഭ ആത്മാർത്ഥമായിട്ടു സ്വാഗതം ചെയ്യേണ്ടതാണു്. ഇതിൽ കൂടുതലായി ഈ വിഷയത്തെക്കുറിച്ചു പ്രസംഗിച്ചു മറ്റുള്ളവരുടെ സമയം നഷ്ടപ്പെടുത്തണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു.

മിസ്റ്റർ സി. കെ. നായർ: സർ, പൊതു ജനങ്ങൾക്കു സ്വയംഭരണപരിശീലനം ചെയ്യുവാൻ പര്യാപ്തമായ പഞ്ചായത്തുകൾ ഇവിടെസ്ഥാപിതമായിട്ടു കൊല്ലം നു ഠ കഴിഞ്ഞിരിക്കുന്നു. വിപുലമായ അധികാരങ്ങൾ നിയമാവലിയിലുൾക്കൊള്ളിച്ചും കൊണ്ടാണു ഈ സ്വയംഭരണസ്ഥാപനങ്ങൾ രൂപീകൃതങ്ങളായതെങ്കിലും പറയത്തക്ക ഒരൊറ്റ അധികാരംപോലും ഈ മുപ്പതു കൊല്ലത്തിനു അവക്കു വിട്ടുകൊടുത്തിട്ടില്ലെന്നുവേണം പറയാൻ. അപൂർവ്വം ചില പഞ്ചായത്തുകൾക്കു് സിവിലധികാരം കൊടുത്തിട്ടുണ്ടെന്നുള്ളതിനെ ഞാനനുസ്മരിക്കാതിരിക്കുന്നില്ല. പ്രതീക്ഷിതങ്ങളും പ്രവ്യാവിതങ്ങളുമായ ആ അധികാരങ്ങൾ ഇത്രയും കമ്മലമായിട്ടും പഞ്ചായത്തുകൾക്കു സ്വായത്തമാകാതിരുന്നതു് പൊതു ജനങ്ങളെ പ്രതിനിധീകരിക്കുന്ന പഞ്ചായത്തംഗങ്ങൾ ആ അധികാരങ്ങൾ കൈവശം വെച്ചു നടത്തുവാൻ പ്രാപ്തരല്ലെന്നുള്ള ഗവമ്മേണ്ടിന്റെ ബോധം കൊണ്ടല്ലെങ്കിൽ പുല്ലുതിന്നാത്ത ഏട്ടിലെ പശുവിനെപ്പോലെ അലങ്കാരത്തിനുവേണ്ടിമാത്രം രൂപീകൃതമായ ഈസ്ഥാപനം രാജ്യക്ഷേമകരമാണെന്നു ജനതയെ വൃഥാ വിശ്വസിപ്പിക്കുവാൻ വേണ്ടമാത്രം എഴുതിവെച്ചതാകണം ഈ നി

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യമങ്ങളുത്രയും. എന്റെ മാമ്മശരിയാണെങ്കിൽ ബുദ്ധിയും പ്രാമാണ്യവുമുള്ളവരെ തിരഞ്ഞെടുത്തു നിയമിച്ചും കൊണ്ടാണു പഞ്ചായത്തുകളാദ്യം രൂപീകൃതമായതു്. അതായതു് പഞ്ചായത്തധികാരങ്ങളേതും നടത്താൻ ശേഷിയും ശേമുഷിയുമുള്ളവരാണെന്നു ഗവണ്മെണ്ടിന്നു ബോദ്ധ്യമുള്ളവരായിരുന്ന ആദ്യത്തെ പഞ്ചായത്തുദ്ദാർമാർ. ഈ സ്ഥിതിക്കു് അവരുടെ അപ്രാപ്തിയാകാൻ വയ്യ. അധികാരദാനത്തിന്നുള്ള പ്രതിബന്ധം പിന്നെയൊ, അധികാരം നല്ലുവാൻ മനസ്സില്ലായ്മ, അല്ലെങ്കിൽ ജനങ്ങളെ പരിഭ്രമിപ്പിക്കുന്നതിന്നുവേണ്ടിമാത്രം അധികാരങ്ങളുടെ ഒരു പട്ടിക നിയാമവലിയിൽ ഉൾപ്പെടുത്തൽ. ഇന്നിവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ബില്ലിൽ കാണുന്ന അധികാരങ്ങൾ മുഴുവനും നിലവിലുള്ള നിയമാവലിയിൽ രേഖപ്പെടുത്തിയ്ട്ടുള്ളവയാകയാൽ ഈ പുതിയ ബില്ലിന്റെ ആവശ്യം കാണുന്നില്ലാത്തവരാണിവിടെ. എന്നാൽ ഈ മുപ്പതു കൊല്ലമായിട്ടും വിട്ടുകിട്ടിയിട്ടില്ലാത്ത അധികാരങ്ങൾ ഒരു പുതിയ ബില്ലുവഴിവിട്ടു കൊടുക്കുവാനുള്ള ഗ്രാമോദ്ധാരണമന്ത്രിയുടെ പരിശ്രം അനാശാസ്യമാണെന്നു കരുതുന്നവരിലൊരുവനല്ലാ ഞാൻ. പഞ്ചായത്തുകൾക്കു "അവശ്യം ആവശ്യമായ അധികാരങ്ങളെ അവക്കു നല്കുന്നതിന്നായി ഈ നിയമസഭവഴി പുറത്തുവരുന്ന ഈ ബില്ലിനെ യഥാവിധി സ്വാഗതം ചെയ്യുയാണു നാം വേണ്ടതു്". അസ്വനമാണു് ഈ ബില്ലെന്നുപറഞ്ഞുകൂടാ. ബഹുമാനപ്പെട്ട മുഖ്യകൃത്തുകാവുമെമ്പർ പറഞ്ഞപോലെ അജ്ഞാനാന്ധകാരത്തിൽ വളരുന്ന ഗ്രാമീണന്റെ അജ്ഞതക്കു ശിക്ഷനല്കുവാനുള്ള അധികാരം പോലും ഈ ബില്ലിലുണ്ടു്. ഇത്തരം ന്യൂനതകൾ ഒരു സെലക്ടു് കമ്മിറ്റിവഴി പരിഹരിക്കപ്പെടാവുന്നവയാണെങ്കിലും പൊതുജനാഭിപ്രായമറിയുന്നതിന്നായി ഇതിനെ ജനത്തുകിടയിൽ പ്രചരിപ്പിക്കയാണാദ്യം ചെയ്യേണ്ടതെന്ന അഭിപ്രായക്കാരനാണു ഞാൻ. ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: മിസ്റ്റർ പ്രസിഡണ്ടു, സർ, ഞാൻ മന്ത്രികക്ഷിയിലെ ഒരംഗമായ സമയത്തു് ഇങ്ങിനെ ഒരു ബിൽ അടുത്തുതന്നെ നിയമസഭയിൽ കൊണ്ടുവരുവാൻ ഉദ്ദേശിക്കുന്നുണ്ടെന്നും, അതിന്റെ പ്രധാനമായ തത്വങ്ങൾ ഇന്നിന്നതാണെന്നും, ബഹുമാനപ്പെട്ടമന്ത്രി പാട്ടിയിൽ വെച്ചുതന്നെ പറയുകയുണ്ടായി. അതിലെ തത്വങ്ങളെ സംബന്ധിച്ചു് യാതൊരുഭിന്നാഭിപ്രായവും ആ പാർട്ടിയിലുണ്ടായിരുന്നവക്കും, പുറമെയുള്ളവക്കും ഉണ്ടായിരുന്നില്ല. അതിന്നുശേഷം എനിക്കു പാർട്ടിയിൽ നിന്നു് വിടേണ്ടിവന്നു. ജനുവരി ഡൻ-ാംനു- വെച്ചു് അച്ചടിച്ചതായ ഈ ബിൽ എന്റെ കയ്യിൽ കിട്ടി. ഇന്നത്തെ പഞ്ചായത്തുകളിലെ ന്യൂനതകളെ പരിഹരിക്കേണ്ടതു് അവശ്യമുണ്ടെന്നുള്ളതു് നിഷ്പക്ഷമായ ഒരു സംഗതിയാണു. പക്ഷെ പഞ്ചായത്തു് എന്നു നാംകേൾക്കുമ്പോൾ ആദ്യമായിട്ടു നമുക്കു് ഓർമ്മവരുന്നതു് ഉൾനാടുകളിലുള്ള നാട്ടുകാരെയാണു്. അതിലേക്കു അവരുടെ അഭിപ്രായവും അറിഞ്ഞതിന്നുശേഷം മാത്രമെ ഈ കാര്യത്തിൽ പ്രവേശിക്കുവാൻ പാടുള്ളു. അതുകൊണ്ടു് ഈ ബിൽ പൊതുജനാഭിപ്രായം അറിയുന്നതിന്നു വേണ്ടി ഒരു സർക്കുലേഷൻ നടത്തിയാൽ വളരെ നന്നായിരിക്കും.

മിസ്റ്റർ പി കുമാരനെഴുത്തശ്ശൻ: ശ്രീ! ശ്രീ!!

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: അതിന്നു പകരമായി ഇവിടെ പലരും പറയുമായിരിക്കാം ഇതു് സിലക്ടു് കമ്മിറ്റിക്കു വിട്ടു കൊടുത്താൽ മതിയാകുമെന്നു്.

Mr. K. M. Ibrahim *(Cranganure)*: Sir, I rise on a point of order. Sanskrit is not a recognised language of this House. I request that the Chair may kindly give a direction that if any member wants to interrupt it must be done in a recognised language, i. e., the member should speak only in English, Malayalam or Tamil.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: ഞാൻ മലയാളത്തിലാണല്ലാ സംസാരിക്കുന്നതു്?

മിസ്റ്റർ കെ. എം ഇബ്രാഹിം: അതിനെക്കുറിച്ചല്ല ഞാൻ പറഞ്ഞതു്.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: ഈ ബില്ലിനെപ്പറ്റി പൊതുജനാഭിപ്രായം അറിയേണ്ടതില്ലെന്നും, ഇതു് ഒരു സിലക്ടു് കമ്മറ്റിക്കു് വിട്ടുകൊടുത്താൽ മതിയെന്നും മറ്റും ഒരാൾ ഇവിടെ പറയുകയുണ്ടായി. എന്നാൽ നമ്മുടെ നാട്ടിൻപുറങ്ങളിലുള്ള ആളുകളിൽനിന്നും തെളിവു് ശേഖരിക്കുന്നതിന്നുവേണ്ടി, "ഇന്ന ബില്ലിനെപ്പറ്റി, ഇന്ന സ്ഥലത്തിൽവെച്ചു് ഇന്ന തിയ്യതിക്കു് തെളിവു് ശേഖരിക്കുന്നതിന്നുവേണ്ടി കമ്മറ്റിക്കാർ വരുന്നതാണെ"ന്നു് പറഞ്ഞു ഗസ്സറ്റിൽ പ്രസിദ്ധപ്പെടുത്തിട്ടുണ്ടായിരിക്കും. നമ്മുടെ നാട്ടിൻപുറങ്ങളിലുള്ളവരുണ്ടോ അതു കാണുവാൻപോകുന്നു! ഈ കമ്മറ്റിക്കാർ തെളിവു് ശേഖരിക്കുവാൻ വരുന്ന അവസരത്തിൽ അവർ വയലിലായിരിക്കും. ആയതുകൊണ്ടു് ഇതു് പൊതുജനാഭിപ്രായത്തിന്നായിട്ടു് സർക്കുലേറ്റ"ചെയ്തു" അവരുടെ അഭിപ്രായം ശരിപ്പെട്ടതിന്നുശേഷം ഒരു തെളിവെടുക്ക

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കയാണ് നല്ലതു". അതുകൊണ്ട് ബഹുമാനപ്പെട്ട മന്ത്രി അവർകൾ ഈ ബിൽ ഇനിയ ത്തെ നിയമസഭാ സമ്മേളനത്തിലേക്കു മാറ്റി വെക്കുകയാണെങ്കിൽ അതു വളരെ നന്നായി രിക്കുമെന്നുള്ള വിനീതമായ അഭ്യർത്ഥനയോടുകൂടി എന്റെ ഈ പ്രസംഗത്തെ അവസാ നിപ്പിച്ചുകൊള്ളുന്നു.

Mr. A. B. Salem *(Mattancheri)*: I must congratulate the Hon'ble Minister for copying what was in the Town Council Bill almost. That is always the case! Responsibility will bring revision of ideas, and those who sometimes take irresponsible views will have to revise them when they take responsibility. This is an instance of that sort. However, I think with the Hon'ble Mininister that the time has come for a revision of the Panchayats, not only the Panchayat Law but also the Panchayats. The Panchayat has been the Cindrella of the State. One day it is put under the Agricultural Department, another day it will be the Public Health that will look after the Panchayats. Some day the Panchayat may be looked after by the Panchayat Director. These are all done not for the purpose of the Panchayats and the welfare of the Panchayats so much as for the welfare of the individual who is to look after the Panchayats. That is the trouble in our State. We look more to the individual's welfare than to the welfare of the particular department or particular institution. We are more concerned that that individual must get on! We have had instances of appointments being created and thrust upon individuals! We have had instances of appointments being abolished, when that individual is no longer or no longer necessary or available. Taking the Excise Department there was an Assistant Superintendent at one time and then the Assistant Superintendent's place was kept in the budget "vacant" for a long time. So many things are going which are very unhealthy. We hope a time will come when all these will stop. One way of doing it is to try to give every man a vote in the State. Pressure after pressure is coming from all sides to do away with communal representations and the best thing would be adult suffrage. Now, when I look into the Bill I find that only persons who pays Rs. 7½ as tax on land can become voters of these Panchayats.

Mr. A. V. Moothedan *(Chalakkudi)*: No, no. That qualification is for the members of the Panchayats.

Mr. A. B. Salem *(Mattancheri)*: Sorry, I made a mistake. What is the qualification of the voter?

Mr. A. V. Moothedan *(Chalakkudi)*: 21 years of age.

Mr. A. B. Salem *(Mattancheri)*: Any way even that, I should say, is wrong because there may be a clever man in the Panchayat area, a voter. He is voted upon and he comes in. Why should you debar him from holding an office by putting this property qualification?

Mr. A. V. Moothedan *(Chalakkudi)*: A leasehold right is enough.

Mr. A. B. Salem *(Mattancheri)*: Any way he must have lands. That is a capitalistic idea.

Mr. K. M. Ibrahim *(Cranganur)*: But there are financial commitments. They would be dealing with money.

Mr. A. B. Salem *(Mattancheri)*: Financial commitments would be in the hands of the President.

Mr. A. V. Moothedan *(Chalakkudi)*: Any member can be elected as President also.

Mr. A. B. Salem *(Mattancheri)*: If the Panchayat people elect a dishonest man let them reap the benefit of it.

Mr. Joseph Pettah *(Adur)*: Even an S.S.L.C. man without property can become a member.

Mr. A. B. Salem *(Mattancheri)*: That apart, there are so many other provisions, regarding private pathway and the land on either side of the pathway. These are included in the definition of the words "public road". That is what it says:

"Private road" means any street, road, square, court, alley, passage or riding-path which is not a public road, but does not include a pathway made by the owner of promises on his own land to secure access to or the convenient use of, such premises;

"Public road" means any street, road, square, court, alley, passage or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(*a*) the roadway over any public bridge or causeway;

(*b*) the footway attached to any such road, public bridge or causeway; and

(*c*) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, verandah or other structure which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government;"

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Land on either side of a drain if it belongs to a private person must come under this definition. I can't understand this.

Another curiosity which I found was that the period of disqualification will be fixed by a court. I have never heard of such a thing.

Mr. A. V. Moothedan *(Chalakkudi)*: Only when there is doubt.

Mr. A. B.Salem *(Mattanceeri)*: Section 13 says "Every person convicted of an offence punishable under Chapter VIII-A of the Cochin Penal Code or under any law or rule relating to the infringement of the secracy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine".

Such a provision certainly I have not seen anywhere. Disqualifications are given by the Act. The Court has to say whether the man is disqualified or not. Supposing a Court says "I am satisfied that it will be only one month". Then it will be left to the whims and fencies of particular individuals presiding over the courts. In the Legislative Council Act, the disqualification is given by the Act itself. Government can shorten the period in certain cases and in certain cases the Government cannot. Here the court is given the power. Why it is given, wherefor it is given, I can't say.

Another curiosity was section 15, sub-clause (2);

"Where a person ceases to be a member under section 13 or clause (*a*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, and any person elected or appointed to fill the vacancy in the interim shall, as such restoration, vacate office".

If a person is convicted by one court and he files an appeal, during the period the appeal is pending he is no longer a member. It is rather hard. In other cases, so long as an appeal is pending he is a member. There are so many other curiosities like this.

Sir, I am not against a revision of the Panchayat Act. I would support the motion either to refer it to a Select Committee or for eliciting opinion, whichever way the Government is pleased to accept. If it is for eliciting public opinion, if that is agreeable, all right. Otherwise, if it it goes to a Select Committee also I will support the Bill.

മിസ്റ്റർ എം. നാണമേനോൻ: മിസ്റ്റർ പ്രസിസണ്ടു്, സർ, ഈ പഞ്ചായത്തു ബില്ലിനേക്കാൾ വളരെ ശക്തിക്കുടിയതും, പലരും എഴുത്തതുമായ ടൌൺകൌൺസിൽ ബിൽ ഈ സഭ പാസ്സാക്കി കൊടുത്തു. ആ നിലക്കു് ഇപ്പോൾ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ഈ പഞ്ചായത്തുബില്ലിനു് ആക്ഷേപം വരുവാൻ വഴിയുണ്ടെന്നു് തോന്നുന്നില്ല. ഇതിൽ എന്തെങ്കിലും മാറണമെന്നുള്ളതിൽ എനിക്കു് അഭിപ്രായവ്യത്യാസമില്ല. പക്ഷെ സിലക്ടു് കമ്മിറ്റിക്കു് അയച്ചു് പാസ്സാക്കുന്നതു് നന്നായിരിക്കുമെന്നാണു് എനിക്കു് പറയുവാനുള്ള അഭിപ്രായം.

മിസ്റ്റർ പി. നാരായണമേനോൻ: മിസ്റ്റർ പ്രസിഡണ്ടു്, സർ, ഈ ബിൽ സിലക്ടു് കമ്മിറ്റിക്കു് വിട്ടുകൊടുക്കുവാൻ ഭാവമുണ്ടെന്നു് മനസ്സിലാകുന്നതുകൊണ്ടു് അതിലെ ഉള്ളടക്കത്തെ കുറിച്ചൊന്നും എനിക്കു് പറയുവാനില്ല ഈ ബില്ലിനു് ചില പ്രത്യേകതകളുണ്ടു്. അതിനെ കുറിച്ചാണു് എനിക്കു് രണ്ടുവാക്കു് പറയുവാനുള്ളതു്. ഈ പഞ്ചായത്തു ബിൽ അവതരിപ്പിക്കുന്നതു് ബഹുമാനപ്പെട്ട ജനകീയമന്ത്രിയാണു്. അദ്ദേഹം വളരെക്കാലം ഒരു പഞ്ചായത്തിന്റെ പ്രസിഡണ്ടായിരുന്നു. അങ്ങിനെ പ്രസിഡണ്ടായിരുന്ന കാലത്തു് അന്നുണ്ടായിരുന്ന നിയമങ്ങളും ഗവമ്മെണ്ടു അനുവദിക്കുമായിരുന്നേടത്തോളം അധികാരങ്ങളും പ്രവൃത്തിയിൽ വരുത്തിയാൽ കൊള്ളാമെന്നാഗ്രഹിച്ചു് വളരെ പണിയെടുത്തിട്ടുണ്ടു്. അന്നു് അദ്ദേഹത്തിന്റെ പരിശ്രമങ്ങളെല്ലാം പരാജയത്തിലാണു് കലാശിച്ചിട്ടുള്ളതു്. പിന്നീടു് അദ്ദേഹം മന്ത്രിയായി. മന്ത്രിയുടെ ഭരണാധികാരത്തിലാണു് പഞ്ചായത്തു്. അങ്ങിനെയുള്ള അധികാരം മന്ത്രിക്കുള്ളതുകൊണ്ടു്, ഈ ഒരു പുതിയ ബിൽ അവതരിപ്പിക്കാതെ തന്നെ അദ്ദേഹത്തിനു് പഴയ നിയമങ്ങൾ മുഴുവനും പ്രവൃത്തിയിൽ വരുത്തുവാൻ സാധിക്കുമായിരുന്നു. അദ്ദേഹം മന്ത്രിയായിട്ടു ഏതാണ്ടു് രണ്ടു കൊല്ലത്തോളമായിട്ടുണ്ടു്. ഈ രണ്ടു കൊല്ലത്തിന്നിടക്കു് തനിക്കു് പരിപൂർണ്ണ ഭരണാധികാരമുള്ള ഈ വകുപ്പിനെ സംബന്ധിക്കുന്ന നിയമങ്ങൾ പ്രവൃത്തിയിൽ വരുത്തുവാൻ വേണ്ടപോലെ പരിശ്രമിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ അതിന്റെ ഫലമെന്തായി; എന്നു് എനിക്കു് അറിഞ്ഞാൽ കൊള്ളാമെന്നാഗ്രഹമുണ്ടു്. ഇവിടെ ഇതിന്നുമുമ്പു് പ്രസംഗിച്ച ബഹുമാനപ്പെട്ട സാമാജികൻ പ്രസ്താവിച്ചു, രണ്ടും, മൂന്നും വകുപ്പു

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കം ഒന്നിച്ചു് കൂട്ടിച്ചേർത്തു് അതിന്റെയെല്ലാം അധികാരങ്ങളും ഒരു മേധാവിയിൽ നിക്ഷിപ്തമാക്കിയതുകൊണ്ടാണു് ഓരോ ഭരണവകുപ്പിന്റേയും നിയമാവലി മുഴവൻ പ്രായോഗികമാക്കിത്തീർക്കാൻ സാധിക്കാതെവന്നതെന്നു്. എന്നാൽ പ്രധാനമായ കാരണം അതൊന്നുമല്ല. മന്ത്രിയുടെ ഈ വകുപ്പുകളെ നിയന്ത്രിക്കുന്നതിനുള്ള അധികാരം പരിമിതമായതുകൊണ്ടു മാത്രമാണു്. അദ്ദേഹത്തിനും് ഇതിനും് മുമ്പുണ്ടായിരുന്ന നിയമങ്ങളും പ്രവൃത്തിയിൽ വരുത്തിയാൽ കൊള്ളാമെന്നുണ്ടായിരുന്നിട്ടും, അതു സാധിക്കാതെ വന്നതെന്തുകൊണ്ടാണെന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. ഈ ബില്ലുകൊണ്ടു് മേലിൽ പഞ്ചായത്തിനും് വല്ല മെച്ചവുമുണ്ടാകണമെന്നുണ്ടെങ്കിൽ അതനുസരിച്ചു് പ്രവൃത്തിക്കുവാനും, പ്രവൃത്തിപ്പിക്കുവാനും, ഉള്ള ഒരു വകുപ്പുംകൂടി ഉണ്ടായിരിക്കണം. അതാണു് ഏറ്റവും ആവശ്യമായിട്ടുള്ളതു്. സ്വയംഭരണസമിതികളിൽപ്പെട്ടതാണു് പഞ്ചായത്തു്. അങ്ങിനെയുള്ള സമിതികൾക്കു് കൂടുതൽ അധികാരങ്ങളും ഉണ്ടായിരിക്കേണ്ടതാണു്. അധികാരങ്ങളും സമ്പാദിച്ചുകൊടുക്കുവാൻ ശക്തന്മാരായിട്ടുള്ളവർ അതിനു് പരിശ്രമിക്കേണ്ടതുമാണു്. ഡയരക്ടർ ഒരു എക്സിക്യൂട്ടീവു് ആഫീസ്സറാണു്. അദ്ദേഹം സേച്ഛാഭരണം നടത്തുകയാണെങ്കിൽ ചീത്ത കേൾക്കുവാൻ മന്ത്രിയായിരിക്കും. അതിനാൽ മന്ത്രിക്കു അദ്ദേഹം സേച്ഛാഭരണം നടത്തുകയാണെങ്കിൽ അതിനെ നിയന്ത്രിക്കുവാനുള്ള പരിപൂർണ്ണമായ അധികാരം ഉണ്ടായിരിക്കണം. എന്നാൽ മാത്രമേ പുതിയ നിയമാവലികളും തികച്ചും പ്രായോജകീഭവിക്കു.

മിസ്റ്റർ വി. കെ. കുട്ടി: മിസ്റ്റർ പ്രസിഡണ്ടു് സർ, ഈ ബില്ലിനെപ്പറ്റി സംസാരിക്കണമെന്നു് ഞാൻ ഉദ്ദേശിച്ചിരുന്നില്ല. ഇവിടത്തെ പ്രസംഗപരമ്പരകളും കേട്ടപ്പോൾ ചില തെറ്റിദ്ധാരണകളും മാറ്റുവാൻ വേണ്ടി മാത്രം രണ്ടുവാക്കു പറയാമെന്നു് വിചാരിക്കുകയാണു്. ഈ ബില്ലിന്റെ മുഖവുരയിൽതന്നെ മുമ്പത്തെ ആക്ടു് മുഴവനും നടപ്പാക്കീട്ടില്ലയെന്നും, നടപ്പാക്കാൻ സൌകര്യപ്പെട്ടിട്ടില്ലെന്നും കാണുന്നു. കൊച്ചിരാജ്യത്തു് ട്രാൻസ്ഫേഡ് ഡിപ്പാർട്ടുമെണ്ടു് വരുന്നതിനുമുമ്പു് — മന്ത്രിമാരുടെ ആഗമനത്തിനുമുമ്പു് — പഞ്ചായത്തു ആക്ടിലുണ്ടായിരുന്ന അധികാരങ്ങളും എപ്രകാരമാണു പ്രവർത്തിച്ചുംകൊണ്ടിരുന്നതെന്നുള്ളതു ഒരു അനുഭവസ്ഥന്റെ നിലയിൽ എനിക്കു് പറയുവാൻ സാധിക്കും. (ഹീയർ, ഹീയർ.) ഉത്തരവാദിത്വഭരണം ഈ രാജ്യത്തിൽ വന്നതോടുകൂടി പല അധികാരങ്ങളും പഞ്ചായത്തിനു് ലഭിച്ചിട്ടുണ്ടെന്നും, ലഭിച്ചുകൊണ്ടിരിക്കുന്നുവെന്നും എനിക്കറിയാം. ഈ ബില്ലിൽ കാണുന്ന ഓരോ വകുപ്പുകളും ഞങ്ങളും പഞ്ചായത്തു കോൺഫ്രൻസിൽ പാസ്സാക്കി ഗവൺമെണ്ടിലേക്കു് അയച്ചു് ആവശ്യപ്പെട്ടിട്ടുള്ളതാണു്. പഞ്ചായത്തു കോൺഫ്രൻസ്സു് ആവശ്യപ്പെട്ടിട്ടില്ലാത്ത യാതൊന്നും ഈ ബില്ലിൽ ഉൾപ്പെട്ടിട്ടില്ല.

പഞ്ചായത്തിൽ മെമ്പറന്മാരായി തിരഞ്ഞെടുക്കപ്പെടുന്നവരുടെ കാളിഫിക്കേഷൻ സംബന്ധിച്ചു ചില അഭിപ്രായവ്യത്യാസങ്ങളും ഇവിടെ സൂചിപ്പിക്കുകയുണ്ടായി. ആക്ടിൽ പറഞ്ഞിരിക്കുന്നതു് ഒരു വോട്ടർക്കു് എഴുതുവാനും, വായിക്കുവാനും അറിവുണ്ടായിരിക്കണമെന്നാണു്. പക്ഷെ ഒരു സ്ഥാനാർത്ഥിയായിട്ടു നില്ക്കുണമെന്നുണ്ടെങ്കിൽ സ്റ്റുഡന്റൈനൽ കാളിഫിക്കേഷനോ, അല്ലാത്തപക്ഷം എഴര രൂപ കരം കൊടുക്കുന്ന ഒരാളോ ആയിരിക്കണമെന്നു് നിർദ്ദേശിച്ചിട്ടുണ്ടു്. അതിന്റെ ഉദ്ദേശം ഒരു മെമ്പറായിവരുന്ന ഒരാൾക്കു് ഒന്നുകിൽ വിദ്യാഭ്യാസയോഗ്യതയോ, അല്ലാത്തപക്ഷം സാമ്പത്തികവശത്തിലുള്ള പ്രാമാണ്യമോ ഉണ്ടായിരിക്കണം. ഈ മെമ്പർമാരിൽനിന്നു തന്നെയായിരിക്കണമല്ലൊ പ്രസിഡണ്ടിനെ തിരഞ്ഞെടുക്കുവാനും. അങ്ങിനെ പ്രസിഡണ്ടായി വരുന്ന ഒരാൾ ഏതെങ്കിലും ഒരു വശത്തിൽ പ്രാപ്തനാകണമെന്നു് നിർദ്ദേശിച്ചിരിക്കുന്ന ഈ വ്യവസ്ഥ അബദ്ധമാണെന്നു് എനിക്കു് തോന്നുന്നില്ല. കൊച്ചിരാജ്യത്തുള്ള മുനിസിപ്പൽ ആക്ടിലുള്ള അധികാരങ്ങളെ താരതമ്യപ്പെടുത്തി നോക്കുമ്പോൾ ഈ പഞ്ചായത്തു് ആക്ടിലുള്ള അധികാരങ്ങളും എത്രയോ പരിമിതമാണെന്ന മനസ്സിലാക്കുവാൻ സാധിക്കും. ഇപ്പോൾ വില്ലേജുകളിൽ പ്രവൃത്തിക്കുവാൻ കഴിയുന്നവിധത്തിൽ ഒരു നിയമമുണ്ടു്; അതിന്റെ അധികാരങ്ങളും അനുസരിച്ചുള്ള പ്രവൃത്തികളും നടത്തി കഴിഞ്ഞതിനുശേഷം ഇങ്ങിനെ ഒരു നിയമം കൊണ്ടുവന്നാൽ മതിയെന്നു് ചില ബഹുമാനപ്പെട്ട സാമാജികന്മാരുടെ പ്രസംഗങ്ങളിൽനിന്നു് എനിക്കു് മനസ്സിലാക്കുവാൻ സാധിച്ചു. എനിക്കു് പറയുവാനുള്ളതു് യാഥാസ്ഥിതികത്വത്തിൽ ജനിച്ചുവളർന്നു് അതേവിധം ജീവിച്ച ആളുകൾക്കു് ഇപ്പോഴത്തെ പരിഷ്കാരങ്ങളും കാണുമ്പോൾ ചില അമ്പരപ്പുകളും ഉണ്ടാകാം. പക്ഷെ ഇന്നത്തെ കാലസ്ഥിതിയനുസരിച്ചു് നമുക്കു് മുന്നോട്ടുപോകാതെ നിവൃത്തിയില്ല. അതിനു കാരണമായിനില്ക്കുന്ന കാലത്തെ മാത്രമേ നമുക്കു് ശപിക്കു

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വാൻ നിവൃത്തിയുള്ള. അതല്ലാതെ ഈ ഭരണസമ്പ്രദായത്തെ കുറിച്ച് ഉഷിച്ചിട്ടോ, ശപിച്ചിട്ടോ യാതൊരു ആവശ്യവുമില്ല. ഇത്രമാത്രമെ എനിക്ക് ഈ സഭയോട് പറയുവാനുള്ള.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)* : We have heard a full-dress debate on this very import subject. It has been brought out and very clearly too that this Bill if passed into law and given effect to is intimately bound up with the peace, prosperity and well-being of the humblest of the citizens of the State. So I think this House will do well to go slow in this affair. Let it not be said of this House, sir, that such an import measure as this Bill was rushed through. It has been made clear that this Bill is quite acceptable, but when going into details there are several provisions, several clauses of the Bill, which are controversial and therefore we will do well to allow people time to think about the various provisions, to allow time for minds to clear and ideas to settle and the Hon'ble Minister for Rural Development who is the Leader of the House, I appeal to him to give the correct lead to this House by himself moving the Bill be circulated for eliciting public opinion. We have had a long debate and I move that the motion be now put.

Mr. K. Narayana Menon *(Mulakunnathukavu)* : I second it.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: സർ, ഈ ബിൽ വില്ലേജുകളെ ബാധിക്കുന്ന ഒന്നാണ്. ഈ ബില്ലിനെ സംബന്ധിച്ചുണ്ടായ വാദപ്രതിവാദം അധികവും മലയാളഭാഷയിലാണ്. അതുകൊണ്ട് ഞാനും മലയാളഭാഷയിൽതന്നെ നിയമപരമായിട്ട ഈ ബില്ലിനെ സംബന്ധിച്ചുണ്ടായ ആക്ഷേപങ്ങൾക്കു മറുപടിപറയാം. കൊച്ചിരാജ്യത്തു കഴിഞ്ഞ നൂറു കൊല്ലമായി പഞ്ചായത്തിനു അനുവദിച്ചിട്ടുള്ള അധികാരങ്ങൾ പ്രവൃത്തിരൂപത്തിൽ വരുത്തുവാൻ സാധിച്ചിട്ടില്ലെന്നുള്ള ഭാഗത്തെ താങ്ങിക്കൊണ്ടാണ് ഈ പുതിയ നിയമത്തിന്റെ ആവശ്യമെന്താണെന്ന് ചില ബഹുമാനപ്പെട്ട മെമ്പർമാർ ചോദിച്ചിട്ടുള്ളതു്. പഴയ പഞ്ചായത്തു് ആക്ടിലെ ഫ ഫ-ാം വകുപ്പുകൊണ്ടു് പഞ്ചായത്തിനു വളരെ അധികാരം കൊടുത്തിട്ടുള്ളതായികാണുന്നുണ്ടു്. ഫ ഫ-ാം വകുപ്പുപ്രകാരം പ്രവൃത്തിച്ചു ആ നിയമം പ്രവൃത്തിരൂപത്തിൽ കൊണ്ടുവരുവാൻ വളരെ പ്രയാസമുണ്ടു്. അതുകൊണ്ടാണു് പഴയ നിയമം മാറി മനിസിപ്പൽ ആക്ടിന്റെ മാതിരി ഇത്തരത്തിൽ ഒരു ബിൽ രൂപികരിച്ചിട്ടുള്ളതു്. അധികാരങ്ങളെ എല്ലാം നിയമത്താൽ തന്നെ ക്രമീകരിച്ചു നടപ്പിൽ വരുത്തുക്കവണ്ണം ഇങ്ങിനെ ഒരു നിയമമുണ്ടാക്കിയെന്നേയുള്ള. അതിൽ എന്താണു ബന്ധമുള്ളതു്. കുറെക്കൂടി നല്ലതാണു അങ്ങിനെ ചെയ്തിട്ടുള്ളതെന്നു വേണം വിചാരിക്കുവാൻ. ലോക്കൽ ബോർഡ്സ് ആക്ടു് മനിപ്പൽ ആക്ടു് മുതലായതനുസരിച്ചും വേണ്ടതായ വ്യത്യാസങ്ങളോടുകൂടിയും വില്ലേജുകൾക്കു യോജിച്ച ഒരു രീതിയിൽ ആണു് മിനിസ്റ്റർ അവർകൾ ഇങ്ങിനെ ഒരു ബില്ലു് കൊണ്ടുവന്നിട്ടുള്ളതു്. അതു കൊണ്ടു പഴയ ആക്ടു് മതിയെന്നു പറയുന്നതു് അതു സ്വീകാരയോഗ്യമാണെന്നു തോന്നുന്നില്ല. രണ്ടാമതു് ഈ ബില്ലിൽ വേറെ ഒരു വകുപ്പുകൂടി കടന്നുകൂടിട്ടുണ്ടെന്നു ബഹുമാനപ്പെട്ട വടക്കാഞ്ചേരി മെമ്പറവർകൾ പറയുകയുണ്ടായി. പഴയ പഞ്ചായത്താക്ടിൽ വീടുകളിൽ വ്യവസ്ഥപ്പെടുത്തേണ്ട കാര്യങ്ങൾക്കാണു ഈ ബില്ലിലെ തത്വങ്ങൾ.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: ഏന്നെ കുറപ്പെടുത്തരുതു്, ഞാനല്ല പറഞ്ഞതു്.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: മുളകുന്നത്തുകാവു മെമ്പറാണു പറഞ്ഞതു്.

മിസ്റ്റർ വി. കെ ഭാസ്കരമേനോൻ: ഒക്കെ ഒന്നുതന്നെ.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: എന്തെങ്കിലും പീഴ്കകളുണ്ടെന്നുകണ്ടാൽ അതുകളെയൊക്കെ ഇല്ലായ്മചെയ്യുവാനായിട്ട് ചേർത്തിട്ടുള്ളതാണു് ൻ ന്യ-ാം വകുപ്പു. നിയമങ്ങൾ പ്രവൃത്തിരൂപത്തിൽ വരുത്തുന്നതിൽ പ്രതിബന്ധങ്ങളുണ്ടായാൽ അതാതു സമയം ഗവർമെണ്ടിൽ നിന്നു അവയെ ഇല്ലായ്മചെയ്യാൻ കൽപനകൾ പുറപ്പെടുവിക്കുവാനുള്ളതാണു് ഈ ൻസ-ാം വകുപ്പു. ഇതു് നവീനമായിട്ടുള്ള ഒരു നിയമനിർമ്മാണമാണു്. ഇങ്ങനെയുള്ള ഒരു നിയമനിർമാണം ഉതേവരെ എന്റെ അനുഭവത്തിൽ കണ്ടിട്ടില്ല, ആയതുകൊണ്ടു ഞാൻ അതിശയിക്കുന്നു എന്നുള്ള അർത്ഥം സ്ഫുരിക്കത്തക്കവിധത്തിൽ ആണു അദ്ദേഹത്തിന്റെ പ്രസംഗം ഞാൻ മനസ്സിലാക്കിയതു്. അതു് അദ്ദേഹത്തിന്റെ ആലോചനക്കുറവുകൊണ്ടാണു പറഞ്ഞതു്. ഞാൻ ചില ഉദാഹരണങ്ങൾ പറയാം. മദ്രാസിലെ ജനറൽ സെയിൽസ്ടാക്സ് ആക്ടിലുള്ളതു് അതിലെ ഫ-ാം വകുപ്പുവായിച്ചുനോക്കിയാൽ അതിനോടു യോജിച്ചുതായ ഒരു വകുപ്പാണു് ഈ ബില്ലിലെ ൻന്യ-ാം വകുപ്പു എന്നു മനസ്സിലാകും. അതുപോലെ തന്നെ മദ്രാസ് അഗ്രികൾച്ചുറൽ റിലീഫ് ആക്ടിലെ ഫവ്യ-ാംവകുപ്പിൽ സി. ഉപവകുപ്പിനോടു് താരതമ്യപ്പെടുത്തി

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യിട്ടുള്ളതാണ്‌ ഈ വകുപ്പ്‌. മദ്രാസിലെ എൻറർടെയിൻമെൻറ്‌സ്‌ ആക്ടിലെ ഫന്റ K വകുപ്പും ഇതിനോട്‌ സാമ്യമുള്ളതാണ്‌. ഹിന്ദുമതസ്ഥാപനങ്ങളെ സംബന്ധിച്ചുള്ള ഹിന്ദു റിലിജസ്‌ എൻഡോവ്‌മെൻറ്‌ ആക്ട്‌ വ്യ ൪-ാം വകുപ്പു നോക്കിയാലും ആദ്യാമായിഉണ്ടാക്കുന്ന നിയമം നടപ്പിൽ വരുത്തുവാനുള്ള എന്തെങ്കിലും പ്രതിബന്ധങ്ങളുണ്ടെങ്കിൽ അതിനു വേണ്ടകല്പനകൾ പുറപ്പെടുവിച്ചു ശരിയായ വിധത്തിലാക്കി ആ ആക്ടിൻെറ ഉദ്ദേശമനുസരിച്ചു അതു നടപ്പിൽ കൊണ്ടുവരുവാൻ കല്പനകൾ പുറപ്പെടുവിപ്പിക്കുവാൻ അധികാരപ്പെടുത്തുന്ന വകുപ്പാണ്‌ അതെന്നു കാണാം.

മിസ്റ്റർ കെ. നാരായണമേനോൻ: ഇവിടെ പറഞ്ഞതിൽ ഏതെങ്കിലും ഒരു വകുപ്പു വായിച്ചാൽ കൊള്ളാം.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: എല്ലാം വേണമെങ്കിൽ വായിച്ചു കേൾപ്പിക്കാം. വേണ്ടിവരുമെന്നു വിചാരിച്ചുതന്നെ ആ പുസ്തകങ്ങളെല്ലാം ഞാൻ ഇവിടെ കൊണ്ടുവന്നിട്ടുണ്ട്‌. ഇതു്‌ ഇത്ര വളരെ കഠോരമായ ഒരു നിയമനിർമാണമാണെന്നു പറഞ്ഞതുകൊണ്ട്‌ എല്ലാ വകുപ്പുകളും വായിക്കാം എന്നു വിചാരിച്ചു. പക്ഷെ ഒരു വകുപ്പുവായിച്ചാൽ മതിയെന്നു വന്നതുകൊണ്ടു അത്രയും ഭാരം കുറഞ്ഞു. മദ്രാസിൽ കൊൺഗ്രസ്‌ മിനിസ്‌ട്രിയുണ്ടായിരുന്ന കാലത്തു്‌ സെയിൽ ഓഫ്‌ മോട്ടോർ സ്പിരിറ്റ്‌ ആക്ട്‌ ഉണ്ടായി. കോൺഗ്രസ്‌ മിനിസ്‌ട്രി ഭരണമായതുകൊണ്ടാണു്‌; പക്ഷെ അങ്ങിനെ വളരെ അധികാരം എടുത്തതു്‌ എന്നു ഒരു ആക്ഷേപം പറയാനിടയുണ്ടു്‌. എന്നാൽ ആ കോൺഗ്രസ്‌ മിനിസ്‌ട്രി ഭരണം പോയി ഗവർണരുടെ ഭരണം വന്നിട്ടും ആ ആക്ടനുസരിച്ചാണു്‌ തുടർന്നുവരുന്നതു്‌. അതിലെ ൨൬/൨൬-ാം വകുപ്പിൽ പറയുന്നതും ഈ നിയമംതന്നെ. അതുപോലെ മദ്രാസിൽ ഡിസ്‌ട്രിക്ട്‌ മുനിസിപ്പാലിറ്റീസ്‌ ലോക്കൽ ബോർഡ്സ്‌ അമെൻറുമെൻറ്‌ ആക്ട്‌ എന്നുള്ള പേരിൽ ഒരു ആക്ട്‌ പാസായിട്ടുണ്ടു്‌. അതിലെ ൪-ാം വകുപ്പിൽ പറയുന്ന നിയമവും ഇതുതന്നെയാണു്‌. ബഹുമാനപ്പെട്ട മുളകുന്നത്തുകാവു മെമ്പരുടെ ആവശ്യപ്രകാരം ഇതിൽ ഒരെണ്ണം ഞാനിവിടെ വായിക്കാം. അതായതു്‌ മദ്രാസ്‌ ഹിന്ദുറിലിജസ്‌ എൻഡോവ്‌മെൻറ്‌ ആക്ടിലെ ൪൭-ാം വകുപ്പ്‌ഇങ്ങിനെ യാണു്‌. "If any difficulty arises as to the first constitution or reconstitution of any Committee after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the Provincial Government as occasion may require, may by order do anything which appears to them necessary for the purpose of removing the difficulty."

അതു പോലെതന്നെയാണു പല നിയമങ്ങളും ഈ തത്വം സ്വീകരിച്ചിട്ടുള്ളതു്‌. അതേ സെക്‌ഷൻ തന്നെയാണു്‌ ഈ പഞ്ചായത്തു ബില്ലിലും ചേർത്തിരിക്കുന്നതു്‌.

മിസ്റ്റർ കെ. എസ്‌. പണിക്കർ: നമ്മുടെ വക്കീലന്മാർ മദ്രാസിലെ ആക്ടും മറ്റും നോക്കിവരുന്നുണ്ടോ?

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: അതു്‌ ആവശ്യംപോലെയിരിക്കും. അതുകൊണ്ടു്‌ ഈ ഒരു വകുപ്പു ഇതിൽ ചേർത്തിരിക്കുന്നതു്‌ അത്ഭുതകരമാണെന്നു വിചാരിക്കുവാൻ യാതൊരു ന്യായവുമില്ല. ഈ നിയമത്തിലെ ഭാഗങ്ങൾ പ്രവൃത്തിരൂപത്തിൽ കൊണ്ടുവരുന്നതിനു വല്ല വിഘ്നങ്ങളും വന്നാൽ അതു ശരിപ്പെടുത്തിക്കൊണ്ടു പോകണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു്‌ പുതിയ നിയമത്തിൽ ഈ വകുപ്പുകൂടി ചേർത്തിട്ടുള്ളതു്‌.

ഇതിലെ ൫-ാം വകുപ്പിനെപ്പറ്റി ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ അവർകൾ പറയുകയുണ്ടായി. ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പറവകൾ ബില്ലു്‌ വീട്ടിൽ വെച്ചു്‌ വായിച്ചു അവനവൻെറ അഭിപ്രായങ്ങൾ പറയുന്ന ഒരാളാണെന്നു് എനിക്കു ബോദ്ധ്യമുണ്ടു്‌. സ്കൂൾഫൈനൽ പാസായ ഒരാൾ എഴുത്തും വായനയും അറിയാത്ത ആളായിരിക്കുമോ എന്നുള്ള ഒരു വാദം അദ്ദേഹം ഇവിടെ പറയുകയുണ്ടായി. ഒരു ഭൂമിയുടമസ്ഥനാണെങ്കിൽ അയാൾ ഏഴര ഉറപ്പിക നികുതി കൊടുക്കുന്നവനായിരിക്കണം. അയാൾക്കു് എഴുതുവാനും വായിക്കുവാനും അറിവില്ലെങ്കിൽ മെമ്പറായിക്കൂടാ.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ആ അഭിപ്രായം ഞാൻ സമ്മതിച്ചു. പക്ഷെ എഴുത്തും വായനയും അറിഞ്ഞിരിക്കണം എന്നുള്ള ഭാഗത്തിലാണു തെറ്റു്‌.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: അങ്ങിനെ തെറ്റു്‌ഇല്ലാതിരിക്കാനാണു or or or എന്നുകൂടി ചേർത്തിട്ടുള്ളതു്‌. ഗവൺമെണ്ടിൻെറ അഭിപ്രായപ്രകാരം ഇതിൽ ഒരു തെറ്റുമില്ല. തെറ്റുണ്ടെങ്കിൽ അതുകൂലങ്കഷമായി പരിശോധിക്കുവാനും പ്രയാസമില്ല. പിന്നെ ഒരു സംഗതി മിസ്റ്റർ രാമചന്ദ്രയ്യർ ഇവിടെ പറയുകയുണ്ടായി. ഇങ്ങിനെ ഒരു ബില്ലു്‌ വന്നാൽ പിന്നെ പഞ്ച

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ക്കളെ അഴിച്ചുവിടാൻ പ്രയാസമാണെന്നു് അദ്ദേഹം പറഞ്ഞു. പശുക്കളെ അഴിച്ചുവിടേണ്ടതും, പാൽ ധാരാളം കിട്ടേണ്ടതും ആവശ്യംതന്നെയാണു്. എന്നാൽ ഈ ബില്ലിൽ പശുക്കളെ അഴിച്ചുവിടാൻ പാടില്ലെന്നു പറഞ്ഞിട്ടില്ല. ഇതിലെ നു ൪-ാംവകുപ്പിൽ പറഞ്ഞിട്ടുള്ളതു് ഗതാഗതസൌകര്യത്തിനു് കഴപ്പുമുണ്ടാകുന്നതരത്തിൽ പശുക്കളെ പൊതുനിരത്തുകളിലോ വഴിയിലൊ കെട്ടരുതു് എന്നാണു്. ഒരുവഴിയുടെ ഇരുവശങ്ങളിലും വേലിയോ മറ്റൊ ഉണ്ടാകും. അതിൽ ഒരുഭാഗത്തു് ഒരു വേലികെറ്റിയിന്മേൽ പശുവിനെകെട്ടി ആ പശു വഴിയുടെ മറ്റെ ഭാഗത്ത് കയറോട്ടകൂടിനിന്നു തിന്നുന്നതു് സാധാരണയായി കാണുന്നുണ്ടു്. ഇതു് ഗതാഗതത്തിനു വലിയ തടസ്ഥവും അപകടവും ഉണ്ടാക്കുന്നതാണു്. ഇപ്പോഴുള്ള മുനിസിപ്പൽ ആക്ടു് രൂപീകരിച്ച അവസരത്തിൽ ആ സെലക്ടു് കമ്മിറ്റിയിൽ ഞാനും ഒരംഗമായിരുന്നു. അന്നു ഞാൻ ഒരു മുനിസിപ്പൽ ചെയർമാനുമായിരുന്നു. അന്നു് ചിറ്റൂർ മുനിസിപ്പൽ ചെയർമാനായിരുന്ന വളരെക്കാലം പരിചയമുള്ള മിസ്റ്റർ ഈച്ചരമേനോൻ അഭിപ്രായപ്പെട്ടതനുസരിച്ചു് ഇതുപോലെ ഒരു വകുപ്പു് അതിൽ ചേർക്കുകയുണ്ടായി.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: പിന്നത്തെ ഭാഗംകൂടി വായിച്ചാൽ കൊള്ളാം.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: പിന്നത്തെ ഭാഗത്തിൽ പറയുന്നതു് സൂക്ഷ്മത്തിനു ആളില്ലാതെ വഴിമാത്രം ആധാരമാക്കി പശുക്കളെ പുറത്തു വിടരുതെന്നാണു്.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: അതിന്റെ ഉദ്ദേശമെന്താണു്? പശുക്കളെ പുറത്തേക്കു വിടരുതെന്നല്ലേ?

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: അല്ല—മേയുവാൻ പുറത്തേക്കു വിടുന്നതായാൽ കൂടെ ഒരു നോട്ടക്കാരൻ വേണമെന്നാണു്.

പിന്നെ ഒരു വലിയ വാദം ഇവിടെ വന്നിട്ടുള്ളതു് ഈ ബിൽ സെലക്ടു് കമ്മിറ്റിക്കയക്കണോ, സർക്കുലേഷനു് അയക്കണോ എന്നുള്ളതാണു്. ഈ ബിൽ ഒരു ചെറിയ മുനിസിപ്പൽ ആക്ടാണു് (ഹിയർ, ഹിയർ) ജനങ്ങളോടു നികുതി വസൂലാക്കാതെകണ്ടു് ജനപ്രതിനിധികൾ അധികാരം പ്രയോഗിക്കുവാനുള്ള ഒരു ആക്ടാണിതു്. നികുതി ചുമത്തിയതാണു് ടൌൺ കൌൺസിൽ ബില്ലു്. ഇതു് നികുതി കൂടാതെതന്നെ ചുരുക്കത്തിൽ ചില അധികാരങ്ങൾ പഞ്ചായത്തുകൾക്കു കൊടുക്കുന്ന ഒന്നാണു്. ഇതാണു് ടൌൺ കൌൺസിൽ ആക്ടും ഇതും തമ്മിലുള്ള വ്യത്യാസം. ഇതിൽ എന്തെങ്കിലും അപരിപൂർണ്ണതയുണ്ടെങ്കിൽ പൊതുജനാഭിപ്രായത്തോടു യോജിച്ചു് എന്തെങ്കിലും ചെയ്യുവാൻ നമുക്കു് നിഷ്പ്രയാസം സാധിക്കും. അതിനാണു് സെലക്ടു് കമ്മിറ്റിക്കയക്കണമെന്നു പറഞ്ഞിട്ടുള്ളതു്. അതുകൊണ്ടു് ഈ വക കാര്യങ്ങളൊന്നും ആലോചിക്കാതെ വെറുതെ ബില്ലു് തള്ളിക്കളയുകയാണെങ്കിൽ അതു ശരിയല്ല. ഈ ബില്ലിനെ സംബന്ധിച്ചു് ഈ സഭക്കുണ്ടായിട്ടുള്ള തെറ്റിദ്ധാരണകളും ശരിയല്ല. ഇതിൽ വേണ്ടതായ അധികാരങ്ങളെല്ലാം ധാരാളം ഉണ്ടു്. അങ്ങിനെ ഓരോ പടിയായിട്ടല്ലാതെ നാലുപടി ഒന്നിച്ചു് കയറുകയാണെങ്കിൽ പക്ഷെ ഉരുണ്ടുതാഴെ വീണുവെന്നും വരും. ഇതിനേക്കാൾ കൂടുതൽ അധികാരങ്ങൾ നൽകിക്കൊണ്ടുള്ള ഒരു ടൌൺ കൌൺസിൽ ബിൽ ഈ സഭതന്നെ പാസാക്കിക്കഴിഞ്ഞിട്ടുണ്ടു്. ഇതു് അതിനേക്കാൾ എത്രയോ ലഘുവായ ഒരു ബില്ലാണു്. ഈ ബിൽ സിലക്ടു് കമ്മിറ്റിക്കയച്ചു് അതിലെ മെമ്പർമാർ ശ്രദ്ധിച്ചു് വേണ്ടപോലേയാക്കിയ തിനുശേഷം ഈ അധികാരങ്ങളെല്ലാം പഞ്ചായത്തിനു കൊടുക്കുകയും, അതുപോരാ എന്നു വരുമ്പോൾ ഇടക്കിടെ ചെറിയ ചെറിയ അധികാരങ്ങൾകൂടി നൽകി പഞ്ചായത്തുകൾ പുഷ്ടിപ്പെടുത്തുകയാണു് വേണ്ടതു്. അതിലേക്കു് ഇങ്ങിനെയൊരു നിയമനിർമ്മാണം ആവശ്യമാണു്. അതുകൊണ്ടു് ഈ ബില്ലിന്റെ തത്വങ്ങൾ സ്വീകരിച്ചു് പൊതുജനാഭിപ്രായമനുസരിച്ചുള്ള മാറ്റങ്ങൾ വരുത്തുവാനായി സിലക്ടു് കമ്മിറ്റിക്കു് അയക്കുന്നതിനു് ഈ സഭ അനുകൂലിക്കണമെന്നപേക്ഷിക്കുന്നു. ആകപ്പാടെ പൊതുജനങ്ങളുടെയിടയിൽ പഞ്ചായത്തിനെ സംബന്ധിച്ചിടത്തോളം ഒരു നല്ല മനോഭാവം ഉണ്ടാകുന്നതിനു് ഈ ബിൽ ഉപയോഗപ്രദമായിരിക്കുമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

മിസ്റ്റർ ടി. കെ. നായർ: മിസ്റ്റർ പ്രസിഡണ്ടു് സർ, ഈ ബില്ലിനു് ഈ സഭയിൽ നിന്നു് കിട്ടിയ അനുഭവത്തിനു് ഞാൻ നന്ദി പറഞ്ഞുകൊള്ളുന്നു. ഈ ബില്ലിനു് എതിരായി വാദിച്ച ചില വാദങ്ങൾ കേട്ട അവസരത്തിൽ എനിക്കു് തോന്നിയതു് എന്തു ചെയ്താലും തെറ്റു; ഒന്നും ചെയ്യാതിരുന്നാലും തെറ്റു; നല്ലതു ചെയ്താലും ചീത്ത ചെയ്താലും തെറ്റു് എന്നൊരു നിലയാണു്. നൂറു കൊല്ലങ്ങളായിട്ട വളരെ വളരെ അധികാരങ്ങൾ വെച്ചുകൊണ്ടുള്ള ഒരു പഞ്ചായത്തു നിയമം ഇവിടെ നടപ്പിലിരിക്കുന്ന ഈ കാലത്തു് അതനുസ

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രിച്ചുള്ള അധികാരങ്ങൾ അവക്ക് കിട്ടീട്ടില്ലെന്നോ, കൊടുത്തിട്ടല്ലെന്നോ, അതുകൊണ്ടാണ് അവക്ക് അതുകൊടുക്കാതെയിരുന്നിട്ടുള്ളതെന്നോയുള്ള സംഗതിയെപ്പറ്റി ഞാൻ ഈ മന്ത്രിസ്ഥാനത്തു വന്നതിനുശേഷം വളരെ കൂലങ്കഷമായി പരിശോധിച്ചു നോക്കിയതിൽ....

മിസ്റ്റർ വി. കെ. ഭാസ്കരമേനോൻ: കൂലങ്കഷമായം.

മിസ്റ്റർ ടി. കെ. നായർ: അതെ കഷായമായിട്ടു തന്നെയാണു കണ്ടതു്. അങ്ങിനെ ആലോചിച്ചതിനു ശേഷം മന്ത്രാദയായിട്ടു് അതിൽ പറഞ്ഞിട്ടുള്ള ആ അധികാരങ്ങൾ പഞ്ചായത്തുകൾക്കു് കൊടുക്കുവാനായിട്ടും, അതു നടപ്പിൽ വരുത്തുന്നതിൽ ഉണ്ടാകാവുന്ന തെറ്റുകളെ തീക്കുവാനുമായിട്ടുള്ള സപ്പ് അധികാരത്തിലുള്ള ഒരു ബില്ലാണു് ഇപ്പോൾ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്. നു ഠ കൊല്ലം മുമ്പു് ഒരു ബിൽ ഉണ്ടാക്കിയതിനു ശേഷം ചുരുങ്ങിയതു് നു ഠ-ൽ അധികം ഭേദഗതികൾ കൊണ്ടു വന്നിട്ടുള്ളതല്ലാതെ മറ്റൊന്നും ചെയ്തിട്ടില്ലെന്നുള്ള സംഗതികൾ അഡ്വക്കേറ്റു് ജനറാൾ അവർകൾ തന്നെ ഇവിടെ വിസ്തരിച്ചു പറഞ്ഞിട്ടുണ്ടു്. അതെല്ലാം ശരിക്കു നടപ്പിൽ വരുത്തുവാൻ വളരെ ബുദ്ധിമുട്ടുകൾ വന്നിട്ടുണ്ടു്. വില്ലേജുകോർട്ടു്സു് ആക്ടു് വന്നതോടുകൂടി അതിലെ പതിനാറോ, പതിനേഴോ വകുപ്പുകൾ ഒഴിച്ചു ബാക്കിയുള്ളതെല്ലാം റദ്ദിൽ ചെയ്തു പോയിട്ടുണ്ടു്. ഈ റദ്ദു—റദ്ദു വകുപ്പുകളും ഈ ഭേദഗതികളും ഒന്നിച്ചു നടപ്പാക്കണമെന്നാണോ എന്നോടു ഈ സഭ നിർബ്ബന്ധിക്കുന്നതു്?

മിസ്റ്റർ എ വി. മൂത്തേടൻ: ഈ സഭയിലെ ചില അംഗങ്ങൾ നിർബ്ബന്ധിക്കുന്നു.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* They wanted an important machinery to work out this Bill or any other Bill. That was the point.

മിസ്റ്റർ ടി. കെ. നായർ: നിങ്ങളുടെ തെറ്റിദ്ധാരണകളെ തീർത്തു തരാം. എന്നെ പ്രസംഗിക്കുവാൻ അനുവദിക്കണം. എന്നെ ആദ്യമായിട്ടു നന്നാക്കുക അപ്പോൾ ബാക്കിയെല്ലാം നന്നാകും. മറുഭാഗത്തുനിന്നും പറഞ്ഞതുപോലെ അനവധികാലം ഒരു പഞ്ചായത്തു പ്രസിഡണ്ടായിരുന്നതുകൊണ്ടു് പഞ്ചായത്തിനെ നല്ല നിലയിൽ വരുത്തുവാൻ പരിശ്രമിച്ചിട്ടുള്ള ഒരാൾ മന്ത്രിസ്ഥാനത്തു വന്നതിന്റെ പിറ്റെ ദിവസം പഞ്ചായത്തു ബില്ലിനെ ഉടച്ചു വാർത്തു വേറെ ഒരു ബിൽ ഉണ്ടാക്കിയെന്നതിനു് അപരാധിയാക്കിയതാണു് കഷ്ടം! ഈ ബിൽ നല്ലവണ്ണം വായിച്ചു നോക്കിയിട്ടുള്ളവക്കറിയാം ഇതിലെ പ്രധാനതത്വം Ordinance Principle അനുസരിച്ചുള്ളതു്. മന്ത്രിയുടെ കീഴിൽ ഇപ്പോഴുള്ളതും, ഇനി കിട്ടുവാനുള്ളതും, കിട്ടിവരുന്നതുമായ വില്ലേജുകളെ ബാധിക്കുന്നിടത്തോളമുള്ള എല്ലാ നിയമങ്ങളുടേയും Local ചെക്കും Control-ഉം പഞ്ചായത്തുകൾക്കു വേണം, ഉദ്യോഗസ്ഥന്മാർ മാത്രം ഓർക്കുന്നതുകൊണ്ടു് മതിയാകയില്ലെന്നു് ഈ സഭ മുറവിളി കൂട്ടുകയുണ്ടായി. നാട്ടുകാരെ സ്പർശിക്കുന്നതായ ഭരണം അവരുടെ പ്രതിനിധികളെകൊണ്ടു നടത്തിക്കുവാനും, അവക്കു് ഗവർമ്മേണ്ടുദ്യോഗസ്ഥന്മാർ വഴിയായി കിട്ടേണ്ട ഗ്രാണ്ടുകൾ എന്റെ പരിശോധനയോടുകൂടി തന്നെ നടത്തുവാനും അതിലേക്കുള്ള അധികാരങ്ങൾ കൂടുതലായി സമ്പാദിക്കുവാനും ഞാൻ പരിശ്രമിച്ചുകൊണ്ടു തന്നെയാണിരിക്കുന്നതു്. അതിലേക്കു് ഈ ബിൽ ആവശ്യമാണു്. ഇതു് ഒരു സോഷ്യൽ ലജിസ്ലേഷനാണു്. നു ഠ കൊല്ലമായി നടന്നുവരുന്ന ഡിസ്ട്രിക്ടുമെണ്ടു ഭരണത്തിലെ അറകുറകൾ തീർത്തു നന്നാക്കുവാൻ കൂടുതൽ അധികാരം മന്ത്രിക്കു വേണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി ഒരു ബില്ലുകൊണ്ടുവന്നപ്പോൾ അതു പൊതുജനാഭിപ്രായത്തിനായി സർക്കുലേഷനു അയക്കണമെന്നാണു പറയുന്നതു"!

മിസ്റ്റർ പി. കുമാരനെഴുത്തച്ഛൻ: നാട്ടുകാരുടെ അഭിപ്രായം അറിയണമെങ്കിൽ ബില്ലു സർക്കുലേറ്റുചെയ്യുകതന്നെ വേണം.

മിസ്റ്റർ ടി. കെ. നായർ: അതിനല്ലേ സിലക്ടു് കമ്മിറ്റിക്കു അയക്കുവാൻ പറയുന്നതു്? സിലക്ടു് കമ്മിറ്റിക്കയക്കുന്നതിനു പകരം ബില്ലു സർക്കുലേറ്റു ചെയ്യണമെന്നു പറഞ്ഞാൽ തീർച്ചയായും ഈ കൊല്ലത്തിൽ ഈ ബില്ലു നടപ്പിൽ വരുത്തുവാൻ സാധിക്കുകയില്ല. (ഹിയർ, ഹിയർ) പക്ഷെ നിയമ സഭക്കു് അതാണു് അഭിപ്രായം; അങ്ങിനെ ചെയ്താൽ മതിയെന്നുണ്ടെങ്കിൽ യാതൊരു വിരോധവുമില്ല. സർക്കുലേഷൻ കഴിഞ്ഞുവരുമ്പോൾ എങ്ങിനെയായാലും കുറെ അധികം താമസമുണ്ടാകും. അതുകൊണ്ടു് കഴിയുന്നതും ഒരു നിമിഷം പോലും താമസിപ്പിക്കേണ്ട ആവശ്യമില്ലെന്നാണു ഞാൻ പറയുന്നതു്.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)* Ours is no obstruction—No obstructive tactics. Please note.

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മിസ്റ്റർ ടി. കെ. നായർ: പൊതുജനാഭിപ്രായം വകവെക്കാതെ ഒരു ബില്ലുകൊണ്ടുവന്ന മൂന്നു ദിവസത്തിനുള്ളിൽ നിയമമാക്കിയെടുക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണു് മന്ത്രി ഈ ബില്ലുകൊണ്ടുവന്നിരിക്കുന്നതെന്നുള്ള ഒരു തെറ്റിദ്ധാരണ ചിലർക്കുണ്ടു്. ഒരു ബില്ലുകൊണ്ടുവന്നു് അതിന്റെ ഒന്നാം വായനകഴിഞ്ഞയുടനെ സെലക്ടു് കമ്മറ്റിക്കയക്കാതെ തന്നെ ആലോചനക്കെടുത്തു അവസാന വായനക്കു കൊണ്ടുവരുന്നതിനാണു "റഷ്" ഷിംഗ് എന്നു പറയുന്നതു്. അങ്ങിനെയുള്ള ഒരു ഉദ്ദേശവും ഇതിലില്ല. സെലക്ടു് കമ്മറ്റിക്കു കൊടുക്കുവാൻ ഞാൻ തന്നെ സമ്മതിച്ചിട്ടുണ്ടു്. വെറും ഡ്രാഫ്ട്ട് മാത്രം ഉണ്ടാക്കുന്നതാണു് സെലക്ടു് കമ്മറ്റിയുടെ പ്രവർത്തിഎന്നല്ല ഈ ചുരുങ്ങിയകാലത്തിനുള്ളിൽ ഞാൻ ധരിച്ചിരിക്കുന്നതു്. സെലക്ടു് കമ്മിറ്റിക്കു പൊതുജനാഭിപ്രായം രേഖപ്പെടുത്തുവാൻവേണ്ടി കമ്മിഷനർ അയക്കുവാനും ഗസറ്റിൽ പബ്ലിഷ് ചെയ്യുവാനുമുള്ള ചില അധികാരങ്ങളെല്ലാമുണ്ടു്. അതു് എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ എഴത്തശ്ശൻ വിസ്മരിച്ചുപോയതിലാണു് ഞാൻ ആശ്ചര്യപ്പെടുന്നതു്. ഫ്രീ കമ്പൽസറി പ്രൈമറി എഡ്യുക്കേഷൻ ബില്ലു് പൊതുജനാഭിപ്രായത്തിനുവേണ്ടി സെലക്ടു് കമ്മിറ്റിക്കയക്കുകയല്ലെ ചെയ്തിട്ടുള്ളതു്?

മിസ്റ്റർ പി. കുമാരനെഴത്തശ്ശൻ: വെറുമ്പാട്ടകൂടിയാൻ ബില്ലു് സർക്കുലേഷനു് അയച്ചു സംഗതി ബഹുമാനപ്പെട്ട മന്ത്രിക്കു അറിവില്ലേ? അതുപോലെ കുസ്യൻ സർക്കുലേഷൻ ആക്ടറും സർക്കുലേഷനു അയച്ചിട്ടില്ലേ?

മിസ്റ്റർ ടി. കെ. നായർ: ഒരു ബില്ലു് സർക്കുലേഷനു അയച്ചുകൂടാ എന്നല്ല ഞാൻ പറഞ്ഞതിന്റെ അർത്ഥം. സർക്കുലേഷനു അയച്ചാൽ കാലതാമസം വരുമെന്നേപറയുന്നുള്ളു. (ഹിയർ, ഹിയർ) ഇതു് ജനങ്ങളെ ആരേയും അറിയിക്കാതെ സൂത്രത്തിൽ പാസാക്കിയെടുക്കണമെന്നുള്ള അഭിപ്രായം എനിക്കില്ല. സർക്കുലേഷന്റെ ആവശ്യം ഈ ബില്ലിനെസംബന്ധിച്ചിടത്തോളം വേണമെന്നു പറയുന്നതിന്റെ അർത്ഥം മനസ്സിലാകുന്നില്ല. ഈ പഞ്ചായത്തുകളില്ലെങ്കിലും, കൊച്ചിനിയമസഭയില്ലെങ്കിലും, ഗ്രാമോദ്ധാരണമന്ത്രിയില്ലെങ്കിലും ആകാശം ഇടിഞ്ഞു താഴെവീഴുകയില്ല. നമ്മളാരുമില്ലെങ്കിലും ഒരു വിഷമവുമില്ല; എങ്കിലും ഉള്ളസ്ഥിതിക്കു ചിലതൊക്കെ നടത്തുകയെന്നേയുള്ളു. അതാണു സെലക്ടുകമ്മിറ്റി മതിയെന്നുവെച്ചതു്.

ഇനി അനവധികാലമായി പഞ്ചായത്തു പ്രസിഡണ്ടായിട്ടുള്ള എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ രാമചന്ദ്രയ്യർ ഈ ബില്ലിനെ എതിർത്തതിലാണു് സങ്കടമുള്ളതു്.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: സങ്കടത്തോടുകൂടിയാണെതുക്കുന്നതെന്നു ഞാൻതന്നെ പറഞ്ഞു.

മിസ്റ്റർ ടി. കെ. നായർ: പഞ്ചായത്തുകളെ നേരെയാക്കിക്കൊണ്ടുവരണമെന്നുണ്ടെങ്കിൽ എന്റെ ദൃഷ്ടിയിൽ 2 വഴികളാണു തോന്നുന്നതു്. ഒന്നുകിൽ പഞ്ചായത്തു സ്ഥാപനം വേണ്ടെന്നുവെക്കുക. അതല്ലെങ്കിൽ കൂടുതൽ കൂടുതൽ അധികാരങ്ങൾ കൊടുക്കുന്നതോടൊപ്പംതന്നെ നിങ്ങളുടെ പ്രതിനിധിയായ മന്ത്രിയുടെ കീഴിലുള്ള വകുപ്പായതുകൊണ്ടു കൊടുക്കുന്ന അധികാരം ദുരുപയോഗപ്പെടുത്താതിരിക്കുവാൻവേണ്ടി മന്ത്രിയെക്കൊണ്ടു നടത്തിക്കുക. ഈ രണ്ടു വഴികളെ ഞാൻ കാണുന്നുള്ളു. എന്റെ അഭിപ്രായത്തിൽ പഞ്ചായത്തു സ്ഥാപനം വേണ്ടെന്നുവയ്ക്കുവാൻ എനിക്കു മനസ്സില്ല. നേരെനടത്തിക്കൊണ്ടുപോകണമെന്നതന്നെയാണു് എന്റെ ഉദ്ദേശം. അതിനാണു് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതു്. പഞ്ചായത്തിനു കൂടുതൽ അധികാരം കൊടുക്കേണ്ടതാണെന്നുള്ള തത്വം എല്ലാവരും സമ്മതിച്ചിട്ടുണ്ടു്.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know whether under section 11 it is not possible to give all the powers given under chapter V and still work the old Act notifying all the powers given under section 11.

Mr. M. Sivarama Menon *(Advocate-General)*: It will be defective and not above Board.

Mr. V. K. Bhaskara Menon *(Crangannur)*: Anything which is legal can become illegal.

മിസ്റ്റർ ടി. കെ. നായർ: ഈ ബില്ലിലെ ഒന്നുരണ്ടു വിഷയങ്ങൾകൂടി ഇവിടെ പറയുവാനുണ്ടു്.

ബഹുമാനപ്പെട്ട തൃപ്പൂണിത്തുറ മെമ്പർ അവർകൾ ചോദിച്ചു, മന്ത്രിക്കു തന്റെ കീഴിലുള്ള ഉദ്യോഗസ്ഥന്മാരെ എങ്ങിനെ നടത്തണം, അതിനുള്ള അധികാരം മന്ത്രിക്കുണ്ടോ എന്നു്. മന്ത്രിക്കു അതിനുള്ള പരിപൂർണ്ണ അധികാരമുണ്ടു്. (ഹിയർ, ഹിയർ) മന്ത്രിക്കു തന്റെകീഴിലുള്ള ഡിപ്പാർട്ടുമെണ്ടുദ്യോഗസ്ഥന്മാരെ വേണ്ടപോലെ നടത്തുവാൻ സാധിക്കുകയി

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ല്ലെങ്കിൽ ആ മന്ത്രി അപ്രാപ്തനാണെന്നാണ് അതിന്റെ അർത്ഥം. അധികാരം ഇല്ലാത്തതുകൊണ്ടാണെങ്കിൽ ഡിപ്പാർട്ട്മെണ്ടു ഭരണം വഷളാകുന്നതിൽ മന്ത്രിയെ കുറ്റപ്പെടുത്തുവാൻ ന്യായമുണ്ട്. രാജിവെക്കണമെന്നു പറയുവാനും ന്യായമുണ്ട്. എനിക്കു എന്റെ കീഴിലുള്ള ഡിപ്പാർട്ട്മെണ്ടുകളെ സംബന്ധിച്ചിടത്തോളം പരിപൂർണ്ണ അധികാരമുണ്ട്. നടത്തിക്കൊണ്ടുപോകുവാനും യാതൊരു ബുദ്ധിമുട്ടും കണ്ടില്ല. ബുദ്ധിമുട്ടുവരുമ്പോൾ അതിലേക്കു വേണ്ടതു ചെയ്യുകയും ചെയ്യും. ആ അധികാരം മന്ത്രിക്കുണ്ടായിരുന്നിട്ടും ചില കൂടുതൽ അധികാരങ്ങൾ സമ്പാദിക്കാതെ നടത്തിക്കൊണ്ടുപോകുവാൻ നിയമതടസ്സമായ ചില ബുദ്ധിമുട്ടുകളുണ്ട്.

ഒരു കാര്യം ചോദിക്കട്ടെ; ബഹുമാനപ്പെട്ട തുപ്പുണിത്തുറ മെമ്പർതന്നെ ഒരു പഞ്ചായത്തിനെസംബന്ധിച്ചു് ഒരു ചോദ്യം ചോദിച്ചിട്ടുണ്ട്. ആ പഞ്ചായത്തിൽ പ്രസിഡെണ്ടിന്റെപേരിൽ No Confidence Motion പാസായിട്ടു എത്രകാലമായി. അവിടെ പഞ്ചായത്തുഭരണം യാതൊന്നും നടക്കുന്നില്ല, അതിനെപ്പറ്റി എഴുതിയയച്ചിട്ടും യാതൊരു മറുപടിയുമില്ല. ഇന്നത്തെ നിയമത്തിൽ ആ പഞ്ചായത്തിനെ ഒന്നുംചെയ്യുവാൻ ഗവൺമെണ്ടിനു അധികാരമില്ല. പ്രോസീക്യൂട്ടുചെയ്യുവാനുള്ള വല്ല കേസുമുണ്ടെങ്കിലല്ലാതെ മറ്റൊന്നുംചെയ്യുവാൻ നിവൃത്തിയില്ല.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: മൂന്നു മീറ്റിംഗുകളിൽ തുടച്ചയായി ഹാജരാകാത്ത മെമ്പറെ മാറ്റുവാനുള്ള അധികാരമില്ലെ?

മിസ്റ്റർ ടി. കെ. നായർ: മീറ്റിംഗുതന്നെ കൂടുന്നില്ല. മീറ്റിംഗുകൂടിയാലല്ലെ വിഷമമുള്ളു. ഇങ്ങിനെ നാലൊ അഞ്ചൊ പഞ്ചായത്തുകൾ ഇത്തരം പ്രമേയങ്ങൾ പാസാക്കീട്ടുണ്ട്. ചില പഞ്ചായത്തുകൾക്കു അധികാരം കൊടുത്തുകൂടെന്നുള്ള അഭിപ്രായം മന്ത്രിക്കില്ല. പഞ്ചായത്തുകളെ നേരെനടത്തിക്കൊണ്ടുപോകുവാനുള്ള ഉദ്ദേശമാണ് എനിക്കുള്ളതു്. ബഹുമാനപ്പെട്ട മുളകുന്നത്തുകാവ് മെമ്പറുടെ പ്രസംഗത്തിൽനിന്നു് ഇങ്ങിനെ ഒരു അനുകൂല്യം ഗവൺമെണ്ടിൽനിന്നു നാട്ടുകാർക്കു ചെയ്തുകൊടുക്കുവാനില്ലെന്നാണു ഞാൻ ധരിച്ചതു്. വ്യത്യസ്തമായിട്ടു നാട്ടുമ്പുറങ്ങളിലെ പഞ്ചായത്തുകളെ നടത്തിവരുന്നുണ്ടെന്നാണു് എനിക്കു അദ്ദേഹം പറഞ്ഞതിൽനിന്നു മനസ്സിലായതു്. ഞാൻ പഞ്ചായത്തു പ്രസിഡെണ്ടായിരുന്നപ്പോൾ അങ്ങിനെയുള്ള കൊള്ളരുതായ്മകളിൽപെട്ടിരുന്നതുകൊണ്ടായിരിക്കാം അങ്ങിനെ അദ്ദേഹം പറഞ്ഞതു്.

Mr. A. B. Salem *(Mattancheri)*: Government cannot dissolve that Panchayat now.

മിസ്റ്റർ ടി. കെ. നായർ: നിയമംകൊണ്ടാണു ഭരിക്കുന്നതു്. നിയമത്തിനനുസരിച്ചു ഭരണംനടത്തി പഞ്ചായത്തുകളെ മുഴുവനും നന്നാക്കാൻ ശ്രമിച്ചാൽ സാധിക്കുമെന്നാണു് എന്റെ ഉദ്ദേശം. ആ ഉദ്ദേശത്തിലധികമായിട്ടുകൂടി ആലോചിക്കേണ്ടതാണു്.

ഇതു് ഒരു ബ്രഹ്മൻ ആണെന്നു പറഞ്ഞുവല്ലൊ. നമ്പർ കൊല്ലത്തിനുമുമ്പുള്ള പഴയനിയമത്തെപ്പറ്റി ഇപ്പോൾ ഇവിടെ തർക്കിച്ചിട്ടു വല്ല കാര്യവുമുണ്ടൊ? ഈ ബില്ലു് അംഗീകരിക്കേണ്ട വിഷയത്തിൽ നമ്പർ കൊല്ലത്തിനുമുമ്പുള്ള കാര്യത്തെസംബന്ധിച്ചു പറയുന്നതിന്റെ ആവശ്യമെന്താണു്? പഴയ ബില്ലുള്ളപ്പോൾ എന്തിനാണു പുതിയ ബിൽ കൊണ്ടുവന്നു വെറുതെ സ്റ്റേഷനറി ചിലവാക്കുന്നതെന്നു പറഞ്ഞിരുന്നുവെങ്കിൽ തരക്കേടില്ലായിരുന്നു.

മിസ്റ്റർ വി. കെ. ഭാസ്കരമേനോൻ: പഴയ ബില്ലിൽ ചേർക്കാത്ത ഒരു വകുപ്പു് പുതിയ ബില്ലിൽ ചേർത്തിട്ടുണ്ടെന്നുള്ള ബോദ്ധ്യം ഞങ്ങൾക്കുണ്ടു്.

മിസ്റ്റർ ടി. കെ. നായർ: ഏതായാലും ഈ കാര്യത്തിൽ ഒരു പുതിയ ബില്ലുവേണമെന്നു അഡ്വക്കെറ്റ് ജനറൽ പറഞ്ഞു. നിയമം ഉണ്ടാക്കുവാനുള്ള അധികാരം അദ്ദേഹത്തിനാണു്. പഴയ ബില്ലിലെ അധികാരത്തിന്റെ ലിമിറ്റു് കുറവായതുകൊണ്ടാണു് പുതിയ ബില്ലുണ്ടാക്കിയിട്ടുള്ളതു്. ഇതിൽ എന്തെല്ലാം അധികാരങ്ങൾ, എത്രയെല്ലാം അധികാരങ്ങൾ കൊടുക്കണമെന്നുള്ളതു് സെലക്ററുകമ്മിറ്റിക്കു തീർച്ചയാക്കുവാൻകഴിയും. ബാക്കിയുള്ളതു വിട്ടുകളഞ്ഞാലും വിരോധമില്ല. ഈ ബില്ലിലെ തത്വം സ്വീകരിച്ചു് ഇതു് ആവശ്യമാണെന്നും, ഇതനുസരിച്ചുള്ള അധികാരങ്ങൾ പഞ്ചായത്തുകൾക്കു കൊടുക്കേണ്ടതാണെന്നും, ഇതു് സെലക്ററുകമ്മിറ്റിക്കു കൊടുത്തു വേണ്ടുന്ന ഭേദഗതികളോടുകൂടി പാസാക്കേണ്ടതാണെന്നും നിങ്ങളാരും സമ്മതിക്കുന്നില്ലെങ്കിൽ ഇതു് സർക്കുലേഷനതന്നെ അയക്കണമെന്നുള്ള വാദത്തെ ഞാനും സമ്മതിക്കാം. ഏതായാലും ഒരു ബിൽവേണം. പഴയ ബിൽ അനുസരിച്ചു ഭരണം ശരിയായി നടത്തുവാൻ സാധിക്കയില്ല. ഇതിന്റെ മാറ്റങ്ങളെല്ലാം സെലക്ററുകമ്മിറ്റിക്കുതന്നെ പൊതുജനാഭിപ്രായത്തോടുകൂടി വരുത്തുവാൻ കഴിയുന്നതാണു്. സ

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ക്കുലേഷന്റെപേരിൽ ഇതിനെ എതിക്കുന്നവർ കാലതാമസം വരുത്തുവാൻ ആഗ്രഹിക്കുന്ന വരാണു്. അതിനു എനിക്കു സമ്മതമില്ല, സക്കുലേഷനു അയച്ചാൽ ഈ ബിൽ കൂടുതൽ നന്നാകുമെന്നുള്ള ഭാഗം ഞാൻ സമ്മതിക്കാം. എന്നാൽ സക്കുലേഷൻകൊണ്ടു ചെയ്യാവുന്ന മാറ്റങ്ങൾ സെലക്ടുകമ്മിറ്റിക്കു ചെയ്യാൻ സാധിക്കുമെന്നുള്ള ബോദ്ധ്യംകൊണ്ടാണു് ഈ ബിൽ സെലക്ടുകമ്മിറ്റിക്കയച്ചാൽ മതിയെന്നു പറയുന്നതു്. അധികകാലതാമസംകൂടാതെ കഴിക്കുകയും ചെയ്യാം.

മിസ്റ്റർ ടി. എസ്സു്. രാമചന്ദ്രയ്യർ: ഈ തരത്തിലുള്ള ബില്ലല്ലെങ്കിൽ പിന്നെ ഏതുതരത്തിലുള്ള ബില്ലാണു് സക്കുലേറ്റുചെയ്യേണ്ടതെന്നു പറഞ്ഞാൽ തരക്കേടില്ലായിരുന്നു.

മിസ്റ്റർ ടി. കെ. നായർ: ഞാൻ പഞ്ചായത്തു ബില്ലിന്റെ കായ്യം മാത്രമെ പഠിച്ചിട്ടുള്ളു. നിയമജ്ഞന്മാരാണെങ്കിൽ എല്ലാ ബില്ലുകളും പഠിച്ചിരിക്കും. എനിക്കു നിയമത്തിന്റെ യാതൊരു ഗന്ധവുമില്ല. അതുകൊണ്ടു് ഈ ബില്ലിനെ സെലക്ടുകമ്മിറ്റിക്കയക്കണമെന്നുള്ള എന്റെ അഭിപ്രായത്തെ സ്വീകരിച്ചു് എല്ലാവരും ഈ ബില്ലിനെ സപ്പോർട്ടുചെയ്യണമെന്നു ഞാനപേക്ഷിക്കുന്നു.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: ഇതിൽ എനിക്കു വ്യക്തിപരമായ ഒരു വിശദീകരണം ആവശ്യമുണ്ടെന്നു തോന്നുന്നുണ്ടു്. ഈ ബില്ലു സക്കുലേറ്റു ചെയ്യേണ്ട ആവശ്യത്തേയും ഉദ്ദേശത്തേയുംകുറിച്ചു് ഞങ്ങൾ അഭിപ്രായപ്പെട്ടിട്ടും ബഹുമാനപ്പെട്ട മിനിസ്റ്റരവർകൾ വീണ്ടും വീണ്ടും സെലക്ടു കമ്മിറ്റിതന്നെ മതിയെന്നും, അതുകൊണ്ടു് ഉദ്ദേശിച്ചിട്ടുള്ള കായ്യങ്ങൾ സാധിച്ചുകൊള്ളാമെന്നും ഏറ്റുപറഞ്ഞതുകൊണ്ടു് ഞങ്ങൾചെയ്ത അപേക്ഷയെ അദ്ദേഹത്തിനു സ്വീകരിക്കുവാൻ കഴിയുകയില്ലെങ്കിലും അദ്ദേഹത്തിന്റെ അപേക്ഷയെ സ്വീകരിക്കുവാൻ ഞങ്ങൾ ഒരിങ്ങിയിരിക്കുന്നുവെന്നുള്ള ഒരു സംഗതികൂടി ഇവിടെ പ്രസ്താവിച്ചുകൊള്ളുന്നു.

Mr. T. K. Nayar *(Minister for Rural Development)*: I thank you very much.

The motion that the Cochin Panchayat Bill be read in Council was put and carried.

Secretary to the Council: The title of the Bill is Cochin Village Panchayats Bill.

Mr. T. K. Nayar *(Minister for Rural Development)*: I move that the Cochin Panchayat Bill be referred to a Select Committee consiting of—Messrs T. A. Ramachandra Ayyar, A. V. Moothedan, P. Kumaran Ezhuthassan, V. K. Kutty, Joseph Petta, Advocate-General and the mover with a direction that the report may be submitted within two months.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: എന്നെ ഇതിൽനിന്നു ഒഴിവാക്കിയാൽകൊള്ളാം. പലേസംഗതികൾകൊണ്ടും എനിക്കു കമ്മിറ്റിമീറ്റിംഗിൽ ഹാജരാകുവാൻ സാധിക്കാതെ വരും. ഞാൻ ആവശ്യമുള്ള സംഗതികൾ എഴുതിയയച്ചോ ആളെഅയച്ചോ കഴിയുന്ന സഹായങ്ങളെല്ലാം ചെയ്യാൻ ഒരുക്കമാണു്. അതുകൊണ്ടു് എന്നെ ഇതിൽനിന്നു ഒഴിവാക്കിത്തരണമെന്നപേക്ഷിക്കുന്നു.

Mr. T. K. Nayar *(Minister for Rural Development)*: Will the Hon'ble Member for Cranganur be kind enough to serve there?

Mr. V. K. Bhaskara Menon *(Cranganur)*: If I am ordered, I will do it though with reluctance.

Mr. T. K. Nayar *(Minister for Rural Development)*: Mr. Bhaskara Menon nominated in the place of Mr. Kumaran Ezhuthassan.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: മിസ്റ്റർ സി. കെ. നായരെക്കൂടി ഈ കമ്മിറ്റിയിൽ അംഗമായി ചേർക്കണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

Motion put and carried

Panel Chairman: The Advocate-General to be the chairman and the report to be submitted within two months.

മിസ്റ്റർ ടി. കെ. നായർ: ഇന്നു് ഒഫിഷ്യൽ ബിസിനസ്സിന്റെ അവസാനദിവസമാണു്. ഇനി ഒരു ഗവണ്മെണ്ടു ബില്ലുകൂടിയുണ്ടു്. Cochin Public Health Bill. അതിനെക്കുറിച്ചു വലിയ വാദപ്രതിവാദങ്ങൾക്കൊന്നുമിടയില്ലെങ്കിൽ ഇന്നുതന്നെകഴിക്കാം.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: അതിലും സിസ്സ്യൻസുവരും.

The House rose for the day at 5 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council

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APPENDIX IV

THE COCHIN PANCHAYAT BILL

Whereas it is expedient to make better provision for the administration of rural affairs by panchayats, it is hereby enacted as follows:

CHAPTER I

Preliminary

1. *Short title extent and commencement.*—(1) This Act may be called the Cochin Panchayats Act, of 11 .

(2) It extends to the whole of Cochin State except the Municipal areas governed by the Cochin Municipal Act, XVIII of 1113.

(3) It shall come into force on such date as Government may, by notification in the Cochin Government Gazette, direct.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(1) "casual vacancy" means a vacancy occurring otherwise than by efflux of time, and "casual election" means an election held to fill a casual vacancy;

(2) "depressed class" means the communities notified as such by Government from time to time;

(3) "Director" means the Director of Panchayats appointed by Government, and includes an acting or officiating Director and also any officer appointed by Government to exercise or to be in charge of the functions of the Director;

(4) "latrine" includes privy, pit, water closet and urinal;

(5) "member" means the member of a panchayat;

(6) "ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held to fill an ordinary vacancy;

(7) "panchayat" means the body constituted for the local administration of a panchayat area under this Act;

(8) "panchayat area" means any local area declared as such by Government for purposes of this Act;

(9) "prescribed" means prescribed by Government by rules made under this Act;

(10) "president" means the President of a panchayat;

(11) "private road" means any street, road, square, court, alley, passage or riding path which is not a "public road", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(12) "public road" means any street, road, square, court, alley, passage or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(*a*) the roadway over any public bridge or cause way;

(*b*) the footway attached to any such road, public bridge or causeway; and

(*c*) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

(13) a person is deemed to have his "residence" or to reside in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(14) "village" means a local area recognised by Government from time to time as a village for purposes of land revenue administration.

CHAPTER II

Constitution and Control of Panchayats

3. *Power to constitute and alter panchayat areas for purposes of the Act.*—(1) Government may, by notification in the Cochin Government Gazette—

(*a*) declare any village, or in special circumstances, a portion of a village, or two or more villages or portions thereof, or the whole of one or more such villages and portions of the other or others, to be a panchayat area for the purposes of this Act, and specify the name of such panchayat area; or

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(*b*) exclude from a panchayat area any village comprised therein or where only a portion of a village is comprised in the panchayat area such portion, or in special circumstances, a part of such village or portion; or

(*c*) include in a panchayat area any portion of a village of which some other portion is already comprised therein, any neighbouring village or portion thereof; or

(*d*) cancel a notification issued under clause (*a*) or alter the name of the panchayat area as notified under the clause:

Provided that before issuing a notification under clause (*b*), clause (*c*), or clause (*d*), Government shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such panchayat or panchayats.

(2) Government may pass such orders as they may deem fit—

(*a*) as to the disposal of the property vested in a panchayat which has ceased to exist, and

(*b*) as to the disposal of any part of the property vested in the panchayat which has ceased to exercise jurisdiction over any local area.

(*c*) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area.

4. *Constitution of panchayats for panchayat areas and their incorporation.*—(1) A panchayat shall be constituted for each panchayat area.

(2) Subject to the provisions of this Act, the administration of the panchayat area shall vest in the panchayat, but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or any other authority.

5. *Strength of a Panchayat.*—A Panchayat shall consist of such number of members as may be notified by Government in accordance with the following scale.—

Panchayat area with a population—

not exceeding 10,000 at the last census	..	Five members.
exceeding 10,000 but not exceeding 20,000	..	Seven members.
exceeding 20,000 ..	..	Nine members.

6. *Elected members and reservation of seats*—(1) The members of a panchayat shall, save as otherwise expressly provided in this Act, be elected in such manner as may be prescribed.

(2) In any panchayat or panchayats, Government may, in their discretion, reserve such number of seats as they think fit for a particular community or communities or for any group of communities.

(3) Nothing contained in sub-section (2) shall be deemed to prevent members of any community for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat,

7. *Division into wards and methods of election.*—(1) For the purpose of electing members to a panchayat, Government may, by notification—

(*a*) divide the panchayat area into wards;

(*b*) determine the wards in which the seats reserved under sub-section (2) of section 6 for any community shall be set apart;

(*c*) determine the number of members (whether one or more) which the wards referred to in clause (*b*) shall, in addition to the members for such reserved seats, return for non-reserved seats in the panchayat;

(*d*) determine the number of members (whether one or more) which each of the other wards shall elect to the panchayat.

(2) All electors of a ward, irrespective of their community, shall be entitled to vote at an election in accordance with such rules as may be prescribed,

(3) Where a panchayat area is not divided into wards, all the electors of that area, irrespective of their community, shall be entitled to vote at any election to any seat in the panchayat, whether reserved or not subject to such rules as may be prescribed.

8. *Term of office of elected members.*—(1) The term of office of the members of every panchayat who are elected at ordinaty elections shall, save as otherwise expressly provided in, or may be provided under this Act, be three years beginning at noon on the day on which the vacancies occur.

Provided that Government may, by notification, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period as may be specified in the notification.

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(2) Vacancies arising from efflux of time in the office of the members of panchayat shall be filled up at ordinary elections which shall be fixed by the election authority to take place on such days not later than three months next preceding the vacancy.

Provided that the election authority may, for sufficient cause and with the previous approval of Government, direct or permit the holding of any ordinary election in any month or day before the occurrence of the vacancy.

(3) (*a*) Every casual vacancy in the office of a member of a panchayat shall be reported by its president to the election authority within such time as may be prescribed.

(*b*) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(*c*) Unless Government otherwise direct, no casual election shall be held to a panchayat within three months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

9. *Appointment of members in certain cases and their term of office.*—(1) If at an ordinay or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, Government may appoint a qualified person or persons to fill such vacancy or vacancies.

(2) In case Government are satisfied that an ordinary or casual election cannot be successfully held on account of faction or disorder in the Panchayat area or any other cause, they may, notwithstanding anything contained in this Act, appoint a qualified person or persons to fill the vacancy or vacacies. In the case aforesaid, Government shall also have power to direct such reduction in th etotal number of members of the panchayat as they think necessary.

(3) The term of office of a member of a Panchayat appointed under sub-section (1) or sub-section (2) shall, unless Government otherwise direct, expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

10. *Preparation and publication of electoral roll, and qualifications for inclusion therein.*—(1) An electoral roll for each panchayat showing the names of persons qualified to vote at elections thdreto, shall be prepared and published, and shall be revised, at such times, by such authority, and in such manner as may be prescribed.

(2) Every person who has completed his twentyfirst year of age and who has resided in the ward in cases where the panchayat area is divided into wards, and in other cases, in the panchayat area for one hundred and twenty days in the aggregate in the twelve months immediately preceding the date notified for the preparation of the electoral rolls shall be entitled to have his name registered on the electoral roll of that ward or panchayat area as the case may be.

(3) No person's name shall be included in the electoral roll for a panchayat area in more than one place.

(4) When a panchayat area has been divided into wards, the electoral roll for the panchayat area shall be divided into separate parts for each ward.

(5) Every person whose name appears in the electoral roll for the panchayat area shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsoud mind a deaf-mute or a leper, shall not be entitled to vote at any election even if the name of sush a person appears on the electoral roll.

11. *Qualification of candidates.*—(1) No person shall be qualified for election to any seat on a panchayat unless—

(*i*) his name appears on its electoral roll; and

(*ii*) he has completed his twenty-fifth year of age; and

(*iii*) he can read and write Malayalam, Tamil or English; and

iv (*a*) he is registered holder of lands situated in the panchayat area on jenmam or pandaravaka verumpattam, pandaravaka kanam or puravaka tenure, the assessment of which at pandaravaka verumpattam rate including tirumulkazcha, if any, is not less than rupees seven and annas eight, or

b) he is a sub-pattadar of lands, situated in the panchayat area, belonging to Sirkar Devaswams; the annnal land revenue assessment including tirumulkazcha payable to the Devaswam or Devaswams on which, is not less than rupees seven and annas eight; or

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(*c*) he is a holder of lands situated in the panchayat area on kanam, panayam, adima, anubhogam and other tenures of a cognate nature evidenced by a registered deed, the annual land revenue assessment of which at pandaravaka verumpattam rate including tirumulkazcha is not less than rupees seven and annas eight, or

(*d*) he is an inamdar of lands, situated in the panchayat area, which, if assessable to land revenue at pandaravaka verumpattam rates, will be liable to an assessment of not less than rupees seven and annas eight, or

(*e*) he is a verumpattamdar as defined in the Cochin Verumpattamdars Act, VIII of 1118, of a holding in the panchayat area, the annual land revenue assessment on which calculated at pandaravaka verumpattam rate is not less than rupees fifteen and the contract of tenancy is evidenced by a registered deed; or

(*f*) he is a holder of lands in the panchayat area under any two or more of the categories mentioned in subclauses (*a*), (*b*), (*c*), (*d*) and (*e*), the aggregate land revenue assessment on which, at pandaravaka verumpattam rate including tirumulkazcha, if any, is not less than rupees seven and annas eight, provided that, in the case of a holding under clause (*e*), the pandaravaka verumpattam assessment thereon shall be computed for the purpose of this clause only at half of such assessment; or

(*g*) is an holder of fishing stakes in the panchayat area, the assessment on which is not less than rupees seven and annas eight; or

(*h*) he is a pensioner of the Government of Cochin, Travancore, or British India, who was in superior service; or

(*i*) he is a person who has passed the Secondary School Leaving Certificate or an equivalent examination such as Matriculation, Cambridge Senior, or any higher examination; or is a holder of an Oriental Title of the Madras University, *viz.*, Vidwan Afzlul-Ulama, Siromani, or is one who has passed the Sanskrit Pandit's exrmination, or Bhushana Examination, or Malayalam Pandit's examaination, or Arabic Moulvi's examination, or such other test as may from time to time be prescribed by Government in this behalf; or is a registered medical practitioner not lower in rank than a Licenciate in Medical Practice, or Licenciate in Indian Medicine, or is a person qualified in Engineering; or is a holder of a Veterinary Diploma:

Provided that the property qualification prescribed in clauses (*a*) of (*g*) to this sub-clause shall not be necessary in the case of a candidate belonging to the depressed class.

(2) If a person whose name is on the electoral roll of a panchayat possessing the property qualification mentioned in sub-clauses (*a*) to (*g*) of clause (*iv*) of sub-section (1) does not stand for election as a member, he may authorise in such manner as may be prescribed any member of his family or tarawad, whose name is on the electoral roll of the panchayat and who possesses the qualifications as regards age and literacy, to stand for election, and the person so authorised shall be entitled to stand for election in the same way as if he had the prescribed property qualification in his own name.

Explanation.—Members of undivided families owning property as tenants in common shall be deemed to be a family for purposes of this sub-section.

12. *Disqalification of Government officers and servants.*—(1) No officer or servant of Government shall be qualified for election as a member or for holding office as an elected member:

Provided that, if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to Government whose decision shall be final.

Explanation.—Nothing contained in this sub-section shall be deemed to prevent the appointment of any officer or servant of Government to be a member of a panchayat.

(2) No person shall, where a panchayat area has been divided into wards, be eligible to stand for election in more than one ward.

(3) (*a*) If any person is elected as a member to more than one panchayat, he shall, by notice in writing delivered to the election authority within seven days from the date of the declaration of such election, choose which of these Panchayats he shall serve and the choice be conclusive.

(*b*) When any such choice has been made, the election authority shall call upon the panchayat area or the ward of that area, as the case may be, which such person has not chosen to serve, to elect another person.

(*c*) If the candidate does not make the choice referred to in sub-clause (*a*) the election of such person shall be void, and the election authority shall call upon the panchayat areas or wards for which he has been elected to elect other persons,

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13. *Disqualification of persons convicted of election offences.*—Every person convicted of an offence punishable under Chapter VIII-A of the Cochin Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine.

14. *Disqualifications of candidates.*—(1) A person who has been sentenced by a Criminal Court to imprisonment for a period of more than six months for any offence involving moral delinquency or for any offence other than an offence of a political character (such sentence not having been reversed or the offence pardoned); shall be disqualified for election or appointment as a member while undergoing the sentence and for five years from the date of the expiration thereof:

Provided that Government may direct that such sentence shall not operate as a disqualification.

(2) A person shall be disqualified for election or appointment as a member if such person is at the date of nomination, election or appointment—

(*a*) of unsound mind, a deaf-mute or a leper;

(*b*) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(*c*) interested in a subsisting contract made with, or any work being done for, the panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(*d*) employed as paid legal practitioner on behalf of the panchayat or as legal practitioner against the panchayat;

(*e*) an officer or servant of the panchayat;

(*f*) an honorary Magistrate with jurisdiction over any part of the pachayat area;

(*g*) already a member of a panchayat whose term of office will not expire before his fresh election or appointment can take effect or has already been elected or appointed a member of a panchayat whose term of office has not yet commenced;

(*h*) the servant or employer or the official subordinate or official superior of a member holding office at the said date;

(*i*) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired;

(*j*) dismissed or suspended from Government service; or

(*k*) debarred from practising as an Advocate or Vakil.

15. *Disqualifications of members*—(1) Subject to the provisions of section 16, a member shall cease to hold office as such, if he—

(*a*) is sentenced by a Criminal Court to such punishment and for such offence as is described in subsection (1) of section 14;

(*b*) becomes of unsound mind, a deaf-mute, or leper;

(*c*) applies to be adjudicated, or is adjudicated, an insolvent;

(*d*) acquires any interest in any subsisting contract made with, or work being done for, the panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(*e*) is employed as paid legal practitioner on behalf of the panchayat, or accepts employment as legal practitioner against the panchayat;

(*f*) is appointed as an officer or servant under this Act;

(*g*) is appointed as an honorary Magistrate with jurisdiction over any part of the panchayat area;

(*h*) accepts employment under or becomes the official subordinate of any other member;

(*i*) ceases to reside in the panchayat area;

(*j*) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the president to serve at the earliest possible date) has been duly served upon him; or

(*k*) absents himself from the meetings of the panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-section (3), as

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the case may be, or if within the said period, less than two meetings have been held, absents himself from two consecutive meetings held after the said date:

Provided that no meeting from which a member absents himself shall be counted against him under this clause if due notice of that meeting was not given to him.

Explanation.—A meeting held for the transaction of urgent business after giving shorter notice than that prescribed for an ordinary meeting or on a requisition of the members of the panchayat shall not be deemed to be a meeting within the meaning of this clause.

(2) Where a person ceases to be a member under section 13 or clause (*a*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, and any person elected or appointed to fill the vacancy in the interim shall, on such restoration, vacate office.

(3) Where a person ceases to be a member under clause (*k*) of sub-section (1), the president shall at once intimate the fact in writing to such person and report the same to the panchayat at its next meeting. If such person applies for restoration to the panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to his office of member:

Provided that a member shall not be so restored more than twice during his term of office.

16. *Authority to decide questions of disqualification of members.*—(1) Whenever it is alleged that any person who has been elected as member of a panchayat is not qualified under section 11, or has become disqualified under section 13, 14, or 15 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he has become disqualified for office under section 13 or 15, such member or any other member may, and the president shall, on the direction of the panchayat or of the Director, apply to the prescribed judicial authority whose decision shall be final.

(2) Pending such decision, the member shall be entitled to act as if he were not disqualified.

President and vice-president

17. *President and vice-president of a panchayat and their term of office.*—(1) Every panchayat shall elect one of its members to be its president and another member to be its vice-president in accordance with such rules as may be prescribed. If at an election held under this sub-section no president or vice-president is elected, a fresh election shall be held.

(2) The president or vice-president shall cease to hold office as such—

(*a*) in every case, on the expiry of his term of office as a member or on his otherwise ceasing to be a member; and

(*b*) in the case of the vice-president, on his election as president.

18. *Power of president, vice-president, or member to resign.*—Any member other than the president and any vice-president may resign his office by giving notice to the president; the president may resign by giving notice to the panchayat. Such resignation shall take effect, in the case of a member or vice-president, from the date on which it is received by the president, and, in the case of a president, from the date on which it is placed before a meeting of the panchayat.

19. *Functions of the president.*—The president shall—

(*a*) convene the meetings of the panchayat;

(*b*) carry into effect the resolutions of the panchayat;

(*c*) arrange to prepare estimates of sanctioned works;

(*d*) see to the timely execution of works according to the details of the estimate;

(*e*) see that funds provided for the several works are usefully and ecomomically utilised;

(*f*) submit the prescribed periodical estimates, completion bills, etc., in time;

(*g*) see that the prescribed registers, files, etc., of of the panchayat office are kept in proper order and up-to-date;

(*h*) control all the officers and servants of the panchayat; and

(*i*) discharge all the duties and exercise all the powers specifically imposed or conferred on the president by or under this Act, and, subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act, and be directly responsible for the due fulfilment of the purposes thereof.

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20. *Emergency powers of the president.*—The president may, in cases of emergency and subject to such rules as may be prescribed direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the funds at the disposal of the panchayat;

Provided that.—(*a*) he shall not act under this section in contravention of any order of the panchayat prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the panchayat at its next meeting for ratification.

21. *Devolution and delegation of president's functions and filling up of vacancies in the office of president.*—(1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected.

(2) If the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall, subject to such rules as may be prescribed, devolve on the vice-president.

(3) When the office of president is vacant and there is either a vacancy in the office of vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Director in this behalf.

The member of the panchayat so appointed (who shall be styled the acting president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a now president or vice-president is declared elected or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported by the vice-president within the prescribed time to the election authority, and such authority shall appoint a person, not being a member of the panchayat, to convene a meeting of the prnchayat for the election of its president. The person so appointed shall preside at the meeting so convened and have all the powers of the president in relation thereto, exc pt that he shall not have the right to vote at the election.

(5) Subject to such rules as may be prescribed, the president may, by an order in writing, delegate any of his functions, with such restructions and conditions as may be specified in the order, to the vice-president, or in case there is a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, to any member

Members

22. *Rights of individual members.*—(1) Any member may call the attention of the Director or the president to any neglect in the execution of any work in the panchayat area, to any waste of panchayat property, or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the panchayat subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat after giving due notice to the president, provided that the president may, for reasons given in writing, forbid such access.

23. *No member to receive remuneration.*—No member shall receive or be paid from the funds at the disposal of or under the control of the panchayat, any salary or other remuneration for services rendered by him in any capacity whatsoever.

Establishment

24. *Officers and servants of panchayats.*—(1) Government shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of every panchayat.

(2) Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats and the classification, methods of recruitment, pay and allowances, discipline, conduct punishment and conditions of services of such officers and servants.

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(3) All officers and servants of the panchayat shall be subordinate to the president and, save as otherwise provided in this Act or in the rules made thereunder and subject to such restrictions and control as may be prescribed in such rules, the president may—

(*a*) appoint all menial servants of the panchayat;

(*b*) grant casual leave to officers and servants not exceeding seven days at a time and fifteen days in a year; and

(*c*) censure or fine any such officer or servant for any breach of departmental rules, or discipline, or for carelessness, neglect of duty or other misconduct.

Procedure

25. *Presidency at meetings.*—(1) Every meeting of a panchayat shall be presided over by the president; in his absence, by the vice-president; and in the absence of both the president and the vice-president by a member chosen by the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

26. *Minutes of proceedings.*—A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member present at the meeting within forty-eight hours of the close thereof shall be submitted by the president within three days of the date of the meeting to the Director:

Provided that Government may direct that such minutes shall also be submitted either generally or in any specified classes of cases to any officer specified by them in this behalf.

27. *Power of panchayat to call for records.*—A panchayat may require the president to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisitions.

28. *Conduct of meetings of panchayats.*—The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed. Such rules may provide for preventing any member or president or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest, whether by himself or through some other person, or from being present or presiding at any meeting of the panchayat or of the committee during the discussion of any such matter.

29. *Appointment of joint committees.*—(1) A panchayat may, and if so required by Government, shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

(2) The constitution, and procedure powers of a joint committee and the method of settling differences of opinion arising in connection with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

30. *Administration report.*—(1) Every panchayat shall submit to the Director a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form and with such details as may be prescribed.

(2) The report shall be prepared by the president and the panchayat shall consider it and forward the same to the Director with its resolutions thereon, if any.

(3) The Director shall submit to Government a general report on the administration of panchayats in the State during the year.

Validation of proceedings

31. *Acts of panchayats, etc., not to be invalidated by informality, vacancy, etc.*—No act of a panchayat or of a committee thereof or of any person acting as president, vice-president, chairman or member of such panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or committee, or on the ground that the president, vice-president, chairman or any member of such panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such panchayat or committee.

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Control

32. *Inspecting and superintending officers and their and the Government's powers.*—(1) Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the panchayats established under this Act.

(2) Any officer appointed under sub-section (1) or any other officer or person whom Government may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(*a*) any immovable property, or any work in progress, under the control of any panchayat;

(*b*) any school, hospital, dispensary, vaidyasala, vaccination station, or other institution maintained by, or under the control of, any panchayat and any records, registers or other documents kept in such institution;

(*c*) the office of any panchayat and any records, registers or other documents kept therein.

Panchayats and their presidents, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this sub-section or sub-section (1), as the case may be.

(3) The Director or any other officer authorised by Government in this behalf may—

(*a*) direct the panchayat with the approval of Government, to make provision for and to execute or provide desirable public works or amenities;

(*b*) call for any record, register or other document in the possession, or under the control, of any panchayat or president;

(*c*) require any panchayat or president to furnish any return, plan, estimate, statement, account or statistics;

(*d*) require any panchayat or president to furnish any information or report on any matter connected with such panchayat; and

(*e*) record in writing for the consideration of any panchayat or president any observations in regard to its or his proceedings or duties.

33. (1) *Power to suspend or cancel resolution, etc., under Act.*—The Director may, by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this act, if, in his opinion—

(*a*) such resolution, order licence, permission, or act has not been legally passed issued, granted, or authorised, or

(*b*) such resolution, order licence, permission, or act is in excess of the powers conferred by this Act, or any other law, or an abuse of such powers, or is considered by the Director to be otherwise undesirable, or

(*c*) the execution of such resolution or order, or the continuance in force of such licence or permission, or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray.

(2) The Director shall before taking action on any of the grounds referred to in clauses (*a*) and (*b*) of sub-section (1), give the authority or person concerned an opportunity for explanation and shall pass final orders only after obtaining the approval of Government.

34. *Emergency power of Director.*—Subject to such control as may be prescribed, the Director or any other officer authorised by Government in this behalf may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or president is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be met from the funds at the disposal of the panchayat.

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35. *Conrol over electrical undertakings of panchayats.*—The administration by a panchayat of any undertaking for the generation, transmission, supply, or use of electrical energy shall be, subject to such control as may be prescribed, not inconsistent with the Cochin Electricity Act, [II of 1102 as in force for the time being, the rules made under that Act, and the terms of the licence granted under it to the panchayat.

36. *Power to take action in default of a panchayat or president.*—(1) When a panchayat or president has made default in performing any duty imposed by or under this or any other Act, the Director or any officer authorised by Government in this behalf, may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Director or such officer may appoint some person to perform it, and may direct that the expense of performing it shall be met from the funds at the disposal of the panchayat.

37. *Removal of President, Vice-president, or member.*—(1) Government may, by notification in the Cochin Government Gazette, and with effect from a date to be specified therein, remove any president or vice-president who, in their opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, or lawful orders issued thereunder, or abuses the powers vested in him.

(2) Government may, by like notification and with effect from a date to be specified therein, remove any member who, in their opinion, is guilty of any misconduct in the discharge of his duties as such member.

(3) Government shall, when they propose to take action under sub-section (1) or (2), give the president, vice-president or member concerned an opportunity for explanation, and the notification issued shall contain a statement of the reasons for the action taken.

(4) Government may cancel any notification issued under sub-section (1) or (2) and may, pending a decision on the question of such cancellation, postpone the date specified in such notification.

(5) Any person in respect of whom a notification has been issued under sub-section (1) or (2), removing him from the office of president, vice-president or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election or appointment to, or holding any of those offices.

38. *Motion of non-confidence in presidents and vice-presidents of panchayats.*—(1) Subject to the provisions of this section, a motion expressing want of confidence in the president or in the vice president may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by Government, signed by such number of members as shall constitute not less than one half of the sanctioned strength of the panchayat, together with a copy of the motion which is proposed to be made, shall be delivered by any two of the members giving the notice in person together, to the Director.

(3) The Director shall then convene a meeting for the consideration of the motion to be held at the office of the panchayat at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The Director or any other officer authorised by Government in this behalf shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the Director or the authorised officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Director or the authorised officer under sub-section (5).

(5) If the Director is unable to preside at the meeting and no officer has been authorised by Government, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(6) Save as provided in sub-section (4) and (5), a meeting convened for the purpose of considering a motion under this section, shall not, for any reason, be adjourned.

(7) As soon as the meeting convened under this section has commenced, the Director or the authorised officer shall read to the panchayat the motion for the consideration of which it has been convened, and declare it to be open for debate.

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(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be the motion shall be put to the vote of the meeting. No speech by any member shall exceed fifteen minutes in duration and the last fifteen minutes shall in any case be allowed to the president or the vice-president, as the case may be, for his reply against the motion.

(10) The Director or the authorised officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Director or the authorised officer to Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the panchayat and if the president or the vice-president, as the case may be, does not resign his post within two days after the passing of the motion, Government shall, by notification, remove him from office.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same president or vice-president shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a president or vice-president, as the case may be.

39. (1) *Disolution and supersession of panchayats.*—If, in the opinion of Government, a panchayat is not competent to perform, or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, Government may, by notification—

(*a*) direct that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

(*b*) supersede the panchayat for a period not exceeding two years from a specified date:

Provided that Government shall not supersede a portion only of the panchayat.

(2) Before publishing a notification under sub-section (1), Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(3) On the date fixed for the dissolution or supersession of a panchayat under sub-section (1), all its members as well as its president and vice-president shall forthwith be deemed to have vacated their offices as such.

(4) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, all or any of the powers and duties of the panchayat and its president may be exercised and discharged, as far as may be and to such extent as Government may determine, by the Directer or such other person or persons as may be appointed by Government in that behalf.

(5) The members of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately secceeding such elections are to be held. The date so fixed shall correspond to the date fixed ynder sub-section (1) of section 8.

(6) When a panchayat is dissolved or superseded under this section, Government, until the date of the reconstitution thereof, and the reconstituted panchayat thereafter, shall be entitled to all the assets and be subiect to all the liabilities of the panchayat as on the date of the dissolution or supersession and on the date of reconstitution respectively.

(7) Government may, by order, for sufficient cause which shall be specified therein, direct—

(*a*) that the members of a reconstituted panchayat shall, until the date fixed under sub-section (5), be appointed by Government and not elected; and

(*b*) that members shall continue to be appointed after the date so fixed, for further periods of three years at a time.

(8) It shall be open to Government, notwithstanding anything contained in section 5, to direct such reduction in the total number of members of the panchayat as they think

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necessary, so long as the members of the panchayat are appointed under sub-section (7) and not elected.

40. *Powers of officers acting for, or in default of panchayat and liability of panchayat fund.*—Government, the Director, or any person appointed by Government, lawfully taking action on behalf or in default of a panchayat under this Act, shall have all such powers as are necessary for the purpose, and shall be entitled to the same protection under this Act, as the panchayat or its officers or servants whose powers are exercised.

CHAPTER III

Functions, Powers and Property of Panchayats

41. *Duty of panchayat to provide for certain matters.*—Subject to such rules as may be prescribed, it shall be the duty of a panchayat, within the limits of the funds placed at its disposal, to make reasonable provision for carrying out the requirements of the panchayat area in respect of the following matters, namely.—

(*a*) the construction, repair and maintenance of all roads other than Public Works and Devaswam Department roads, and of all bridges, culverts, road-dams and causeways on such roads;

(*b*) preservation intact of, all poramboke paths, lanes and canals useful for purposes of communication, cattle-grazing grounds and village reserves :

(*c*) the construction, repair and maintenance of minor irrigation works and petty irrigation works, and the regulation and distribution of water supply to the lands commanded by such works, subject to the provisions of the Cochin Irrigation Act, VIII of 1111 :

(*d*) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes, and the construction of bathing ghats;

(*e*) the lighting of all public roads and public places, wherever necessary ;

(*f*) the construction of drains and the disposal of drainage water and sullage;

(*g*) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the panchayat area;

(*h*) the provision of public latrines and arrangements to cleanse latrines whether public or private ;

(*i*) the opening and maintenance of burial and burning grounds ;

(*j*) preventive and remedial measures connected with epidemics, including vaccination, which may be ordered by Government to be carried out by the panchayat ;

(*k*) the maintenance intact and repair and renewals of survey and boundary marks.

42. *Power of panchayat to provide for certain other matters.*—Subject to such rules as may be prescribed, a panchayat shall also make arrangements for carrying out the requirements of the panchayat area in respect of the following matters, namely—

(*a*) the planting and preservation of trees on the sides of public roads in the panchayat area;

(*b*) the opening and maintenance of public markets;

(*c*) the control of fairs and festivals;

(*d*) the cotrol of offensive and dangerous trades;

(*e*) the control of cattle pounds;

(*f*) the opening and maintenance of public landing places, halting places and cartstands and of public cattle-sheds;

(*g*) the opening and maintenance of public slaughter-houses;

(*h*) the establishment and maintenance of water pandals;

(*i*) the control of porambokes used by the villagers in common;

(*j*) the registration of births and deaths;

(*k*) improvement of agriculture and agricultural stock by maintaining stud-bulls and the holding of agricultural shows; demonstrations in ryots' lands; management of manure depots; control of plant-pests aud diseases; prevention of cattle diseases and mortality; and supervision of veterinary hospitals;

(*l*) the promotion and encouragement of cottage industries and minor factories;

(*m*) the encouragement and formation of co-operative societies;

(*n*) the opening and maintenance of elementary schools;

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(o) the opening and maintenance of reading rooms and libraries and supervision of industrial schools;

(p) the establishment and maintenance of wireless receiving sets, of playgrounds and of sports clubs in the panchayat area and of centres of physical culture;

(q) the encouragement and supervision of ayurvedic and visha vaidyasalas and sale depots of ayurvedic medicines;

(r) other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the panchayat area.

43. *Management and supervision of depressed class colonies and other institutions.*—(1) Subject to such rules as may be prescribed, Government may entrust the panchayats with the supervision of the depressed class colonies.

(2) Subject to such rules as may be prescribed by Government, any officer of Government authorised by them in this behalf by a special or general order, or any person or body of persons may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, within the panchayat area, whether provided for in this Act or not.

(3) Government may also retransfer to any other officer or any person or body of persons after giving notice to the panchayat, for reasons to be specified in that notice, the management of any institution, or the execution or maintenance of any work, or the exercise of any power, or the discharge of any duty, transferred to the panchayat under sub-section (1) or (2); provided that before giving effect to the retransfer, the panchayat shall be given sufficient opportunity to explain why it should not be done.

44. *Limitation of power to accepting property in trust.*—A panchayat may with the previous sanction of Government accept trusts relating exclusively to the furtherance of any purpose to which its funds may be applied.

45. *Vesting of Public roads and their appurtenances in panchayats.*—(1) All public roads in any panchayat area which are not under the control of the Public Works or Devaswam Department, shall together with all pavements, stones and other things provided therefor, all sewers, drains, drainage works tunnels and culverts, whether made at the cost of the panchayat fund or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto be under the control and management of the panchayat.

(2) Government may, by notification exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

46. *Association of panchayats with Government units of administration.*—Government may make rules for the purpose of more closely associating the panchayats with the administrative activities of Government in each panchayat area.

CHAPTER IV

Finance

47. *Provision of funds for the panchayat.*—Government may place at the disposal of each Panchayat such funds as they may deem fit to carry out the purposes of this Act from time to time, and all moneys received by or allowed to be collected by a Panchayat shall be credited to the general revenues of the State.

Provided that the panchayat shall be at liberty to utilise the proceeds of any voluntary contribution or collection it may make for such purposes as it may decide upon.

48. *Preparation and sanction of budget.*—The funds placed by Government at the disposal of a panchayat and the proposals for expenditure during the year shall be laid by the president in the form of a statement before the panchayat at the beginnig of each year in such manner as may be prescribed and the panchayat shall pass the same with such modifications as it thinks fit. The president shall forward the statement as passed by the panchayat to the Director.

CHAPTER V

Public Safety, Conveyance and Health

PUBLIC WATER-COURSES, SPRINGS, ETC.

49. *Vesting of water-works in panchayats.*—Subject to such rules as may be prescribed, public tanks, eries and wells constructed or maintained out of Government funds shall be subject to the control of the panchayat.

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Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work of major irrigation or to any adjacent land appertaining to any such work.

Sanitary arrangements in places of pilgrimage, etc.

50. *Sanitary arrangement in places of pilgrimage, etc.*—Where a temple, mutt, church, or mosque, or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within the limits of a panchayat area and attracts either throughout the year or on particular occasions a large number of persons, such special arrangements as regards public health, safety or convenience, as may be considered necessary by the Director, shall be made by the panchayat.

Roads

51. *Prohibition against obstructions in or over public roads, etc.*—No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any license made requisite by such rules—

(*a*) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;

(*b*) make any hole or deposit any matter in of upon any public road;

(*c*) erect any building over any sewer or drain or any part thereof;

(*d*) plant any tree on any public road or other property under the control of the panchayat; or

(*e*) fell, remove, destroy, lop, or strip bark or leaves from, or otherwise damage, any tree which is growing on any such public road or other property and the right to which has not been established by such person as vesting in or belonging to him.

Dangerous tanks, wells, and pruning of Hedges and Trees

52. *Precautions in case of dangerous tanks, wells, holes, etc.*—(1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the president to be for want of sufficient repair, protection or enclosure, dangerous to the passers by or to persons living in the neighbourhood, the president may, by notice, require the owner to fill in, remove, repair, protect, or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall, before giving such notice or before the period of notice expires, himself take such temporary measures, as he thinks fit to prevent danger, and the cost of doing so shall be recoverable from the owner in the same manner as if the same were fees due to the panchayat.

53. The president may without notice—

(*a*) *Pruning of hedges and trees.*—trime or prune any hedges bordering on a public street, so that it may not exceed such height from the level of the adjoining roadway as the president may determine, or

(*b*) cut and trim any hedges or trees overhanging the said street and obstructing it or the view of traffic or causing it damage, or

(*c*) remove fallen trees on public roads and waterways which obstruct traffic.

Markets

54. (1) *Public markets.*—All public markets within a panchayat area shall be under the control and management of the panchayat.

(2) The panchayat may with the sanction of Government provide places for use as public markets and may with like sanction close any such market or part thereof.

(3) Subject to such rules as may be prescribed, the panchayat may levy any one or more of the following fees in any public market at such rates as may be prescribed—

(*a*) fees for the use of, or for the right to expose goods for sale in, such market;

(*b*) fees for the use of shops, stalls, pens or stands in such market:

(*c*) fees on vehicles or pack-animals bringing, or on persons carrying, any goods for sale in such market;

(*d*) fees on animals brought for sale into or sold in such market;

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

55. *President's control over public markets.*—No person shall, without the premission of the president, or if the rents and fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

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56. (1) *Private markets.*—No person shall open a new private market or continue to keep open a private market unless he obtains from the panchayat a licence to do so. Such licence shall be issued only with the approval of the Director.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought, not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought, as the case may be.

(3) (*a*) The panchayat shall, as regards private markets already lawfully established, and may at its discretion as regards new private markets, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged, and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new private market.

(*b*) the panchayat may modify the conditions of the licence to take effect from a specified date.

(*c*) The panchayat may at any time suspend any licence granted under clause (*a*) for breach of the conditions thereof for a period not exceeding thirty days and may with the approval of the Director cancel any such licence.

(*d*) When a licence is granted, refused, suspended, cancelled or modified under this section, the panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in Malayalam to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(*e*) Every licence granted under this section shall expire at the end of the year.

(4) When a licence granted under sub-section (2) does not permit the levy of any fee, it shall be granted free of charge; but when such permission is given, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat for such licence.

(5) The panchayat or any officer duly authorised by it may close any private market which is unlicensed, or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

(6) Government may for the purpose and at the instance of any panchayat acquire under the Land Acquisition Act the rights of any person to hold a private market in any place and to levy any fees therein. Such right shall be deemed to be land for the purposes of that Act.

57. *Duty of expelling lepers etc., from markets and power to expel disturbers.*—The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy, in whom the process of ulceration has commenced or from any infectious or contagious disease, who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

58 *Prohibition of sale in public roads.*—The president may, with the sanction of the panchayat, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

59. *Decision of disputes as to whether places are markets.*—If any question arises as to whether any place is a market or not, the panchayat shall make a reference thereon to Government and the decision of Government on the question shall be final.

Cartstands

60. *Public cartstands.*—Subject to such rules as may be prescribed, the panchayat may—

(*a*) provide public landing-places, halting places and cartstands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use; and

(*b*) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place on the sides of any public road as the panchayat may, subject to the control of the Director, direct.

61. *Private cartstands.*—(1) No person shall open a new private cartstand or continue to keep open a private cartstand, unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year.

(2) The panchayat shall, as regards private cartstands already lawfully established, and may at its discretion as regards new private cartstands, grant the licence applied for, subject to such conditions as the panchayat may, think fit as to supervision and inspection, conservancy and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new cartstand.

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(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section such fees as may be prescribed.

Slaughterhouses

62. *Public slaughterhouses.*—A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

63. *Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughterers.*—Government shall have power to make rules for.—

(*a*) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter houses; and

(*b*) licensing persons to slaughter animals specified in the rules for purposes of sale to the public.

Industries

64. *Purposes for which places may not be used without a licence.*—The panchayat may with the previous approval of the Director notify that no place within the limits of the panchayat area shall be used for any of the purposes specified in the rules made in this behalf being purposes which, in the opinion of Government, are likely to be offensive or dangerous to human life or health or property, without a licence issued by the panchayat (which shall be renewed every year) and except in accordance with the conditions specified in such licence:

Previded that no such notification shall take effect until sixty days from the date of its publication.

Stray cattle

65. *Prohibition of stray cattle in streets.*—Whoever tethers cattle or other animals or causes or suffers them to be tethered by any member of his family or household in any public street or place within a panchayat area so as to obstruct or endanger the public traffic thereon or who causes or suffers such animals to stray about without a keeper shall be punished with fine which may amount to fifteen rupees.

CHAPTER VI

General and procedure

66. (1) *General provisions regarding licences and permissions.*—Save as otherwise expressly provided in, or may be prescribed under this Act, every application for any licence of permission under this Act or any rule, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which, the licence or permission is required.

(2) Save as aforesaid, for every such licence or permission, fees may be charged at such rates as may be fixed by the panchayat with the approval of the Director.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days after the receipt of the application by the president, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law and rules, and all conditions ordinarily imposed.

(4) The acceptance of the prepayment of the fee for any such licence or permission shall not entitle the person making such prepayment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the term of the licence or permission obtained, then.—

(*a*) the president may, by notice, require the person so doing such act to alter, remove or as far as practicable, restore to its original state, the whole or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further;

(*b*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

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(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat such amount, if any, as he may fix as the cost of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

67. *Government and Government departments not to obtain licences and permissions*—Nothing in this Act or in any rule made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, in respect of any place in the occupation or under the control of Government or of any of the departments of Government.

Enforcement of notices, orders, etc.

68. (1) *Time for complying with notice, order, etc., and power to enforce in default.*—Whenever by any notice, requisition, or order under this Act, or under any rule made thereunder, any person is required to execute any work or take any measure or do anything, a reasonable time shall be fixed in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so fixed.—

(*a*) the panchayat may cause such work to be executed, or may take any measure or do anything which may, in its opinion, be necessary for giving due effect to the notice, requisition or order; and further,

(*b*) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection

69. (1) *Powers of entry and inspection.*—Subject to such restrictions and conditions as may be prescribed, the president or any person authorised by him may enter on or into any place, building or land, with or without notice and with or without assistants or workmen in order.—

(*a*) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorised by the provisions of this Act, or of any rule, or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions; or

(*b*) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or incovenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

70. *Testing of weights and measures.*—The president or any person authorised by him may examine and test the weights and measures used in the markets and shops in the panchayat area with a view to the prevention and punishment of offences relating to such weights and measures under the Weights and Measures Act, LXIII of 1112.

Prosecution, suits, etc.

71. *Persons empowered to prosecute.*—Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule made thereunder unless complaint is made within three months of the commission of the offence, by the president, or by the police, or by a person expressly authorised in this behalf by the panchayat; but nothing herein shall affect the provisions of the Code of Criminal Procedure, Act II of 1086 in regard to the power of certain Magistrates to take cognisance of offences upon information received or upon their own knowledge or suspicion:

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

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72. *Charge officers need not be examined on complaints.*—Notwithstanding the provisions contained in the Cochin Code of Criminal Procedure, the president or the person authorised by the panchayat to file complaints, who files such complaints in courts of law for offences under this Act or the rules made thereunder, need not be examined on such complaints before the issue of summonses on them.

73. *Composition of offences.*—The panchayat may, with the approval of the Director, compound any offence against this Act or any rule made thereunder, which may, by rules, be declared compoundable.

74. *Sanction for prosecution of president, or member of a panchayat.*—When the president or any member is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of Government.

75. *Notice of action against panchayat, etc.*—No suit or other legal proceeding shall be brought against any panchayat or its president, or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, member, officer or servant, in respect of any act purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule or order made under it, without the previous sanction of Government.

76. *Protection of president and officers acting in good faith.*—No suit or other legal proceeding shall be brought against the president or any member, officer or servant of a panchayat, or any person acting under the direction of a panchayat, or of such president, member, officer or servant, in respect of any act done or purporting to be done under this Act, or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, or order made under it, if such act was done or such neglect or default occurred in good faith.

77. (1) *Duties of police officers.*—It shall be the duty of every police officer.—

(*a*) to communicate without delay to the president any information which he receives of the design to commit or of the commission of any offence under this Act or any rule made under it ; and

(*b*) to assist the president or any officer of the panchayat reasonably demanding his aid for the lawful exercise of any power vesting in the president, or officer, or servant of the panchayat under this Act or any rule made under it.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 7 or 19 of Act I of 1058.

78. *Injunctions not to be granted in election proceedings.*—Notwithstanding anything contained in the Code of Civil Procedure, Act XXIX of 1111, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any *interim* order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

79. *Liability of the president and members for loss, waste or misapplication of property.*—The president and every member of a panchayat shall be liable for the loss, waste or misapplication of any money or property at the disposal or control of the panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by Government.

80. (1) *Demand, etc., not to be impeached.*—No demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reasons of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business or occupation of any person, or (*b*) in the description of any property or thing, or (c) in respect of the amount demanded or charged, provided that the provisions of this Act have been in substance and effect complied with. And no proceeding under this Act shall, merely for defect in form, be quashed or set aside by any court of justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any collection of money made under the said authority:

Provided that the provisions of this Act have been in substance and effect complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act and the rules made under it have in substance and effect been complied with.

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CHAPTER VII
Rules and Penalties
RULES

81. (1) *Power of Government to make rules.*—Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, Government may make rules—

(*i*) for the conduct of business and the procedure to be followed by the panchayat, in the conduct of meetings and as to the interpellation of the president by the members and the moving of resolutions at meetings;

(*ii*) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

(iii) as to the constitution of committees of panchayats, the inclusion of outsiders therein, and the delegation of functions to such committees;

(*iv*) as to the delegation of any function of a panchayat to the president, member, any officer of the panchayat, or any servant of Government;

(*v*) for the collection and remittance of moneys by the panchayat and for the manner in which the funds placed at the disposal of the panchayat shall be drawn upon;

(*vi*) as to the transfer of allotments entered in the sanctioned budget of a panchayat from one head to another;

(*vii*) as to the estimate of receipts and expenditure, returns, statements and reports to be submitted by panchayats;

(*viii*) as to the preparation of plans and estimates for works and the power of panchayats and of servants of Government to accord professional or administrative sanction to estimates;

(*ix*) as to the accounts to be kept by panchayats and the audit of such accounts;

(*x*) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and the recovery of sums disallowed or surcharged;

(*xi*) as to the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(*xii*) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats;

(*xiii*) the ealisation of any sum due to a panchayat under this Act or any other law or any rules, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise;

(*xiv*) the realisation of fees due in respect of the use of cartstands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise;

(*xv*) as to the form and contents of licences, permisions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof;

(*xvi*) as to the powers of panchayats and presidents to call for information on any matter, to summon and examine witnesses, and compel the production of documents;

(*xvii*) for the use of fascimiles of the signature of the president and vice-president;

(*xviii*) as to the grant to the public of copies of any proceeding or record of the panchayat, not relating to any matter classified as confidential by Government or any authority empowered by them, and the fees to be levied for the grant of such copies;

(*xix*) as to the opening, maintenance, management and supervision of elementary schools;

(*xx*) prohibition or regulating the use for any specified purposes, of any public spring, tank, well, or watercourse;

(*xxi*) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth;

(*xxii*) as to the provision of burial and burning grounds; the licensing of private burial and burning grounds; the regulation of the use of all grounds so provided or licensed; the closing of any such grounds; and the prohibition of the disposal of corpses except in such grounds or other permitted places;

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(*xxiii*) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs;

(*xxiv*) for the removal of encroachments of any description from public roads in panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense;

(*xxv*) for the determination of any claim to trees growing on public roads or property under the control of the panchayat and the presumptions to be drawn as regards the ownership of such trees;

(*xxvi*) as to the imposition and recovery of penalties for the unauthorised occupation of public roads or other land under the control of the panchayats and the assessment and recovery of compensation for any damage caused by such occupation;

(*xxvii*) as to the powers which may be exercised by the panchayat or the president in respect of any public or private market or the user thereof, add the enforcement of any orders issued in pursuance of such powers;

(*xxviii*) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof;

(*xxix*) as to the disposal of fallen trees and the realisation of the expenses incurred for their removal;

(*xxx*) as to the duties to be discharged by village officers and other officers of Government who have to deal with the panchayats and their responsibilities in relation to such duties;

(*xxxi*) as to appeals against orders passed under this Act, and the time within which appeals should be presented, whether allowed by this Act or by rules or otherwise;

(*xxxii*) for the decision of disputes between two or more local authorities of which one is a panchayat;

(*xxxiii*) as to the class of Magistrates by whom offences against this Act shall be tried;

(*xxxiv*) as to the manner of publication of notifications or notices to the public under this Act

82. *Penalties for breach of rules.*— (1) In making any rule under this Act, Government may provide that a breach thereof shall be punishable with fine which may extend to one hunderd rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

(2) The power to make rules under this Act shall be subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Cochin Government Gazette and, upon such publication, shall have effect as if enacted in this Act.

PENALTIES

83 *General provisions regarding penalties specified in the Schedules*—(1) Whoever—

(*a*) contravences any of the provisions of this Act specified in the first snd second columns of Schedule I, or

(*b*) contravenes any rule or order made under any of the provisions so specified, or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whovever after having been convicted of—

(*a*) contravening any of the provisions of this Act specified in the first and second columns of Schedule II or

(*b*) contravening any rule or order made under any of the provisions so specified, or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions, continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and the second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

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84. *Penalty for acting as member, president, or vice-president of a panchayat when disqualified.*—(1) Whoever acts as a member of a Panchayat knowing that, under this Act, or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punished with fine not exceeding one hundred rupees for every such offence.

(2) Whoever acts as, or exercises the functions of, the president, acting president, or vice-president of a panchayat, knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punished with fine not exceeding two hundred rupees for every such offence.

(3) Any person who having been the president, acting president, or vice-president of a panchayat fails to hand over any documents of, or any moneys or other properties belonging to the panchayat, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(*a*) in every case as soon as his term of office as such president, acting president or vice-president expires; and

(*b*) in the case of a person who was the vice-president also on demand by the president shall be punished with fine not exceeding five hundred rupees for every such offence.

85. *Penalty for acquisition by an officer or servant of interest in contract work*—If any officer or servant of a panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat, he shall be deemed to have committed an offence under section 151 of the Cochin Penal Code.

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat, unless he is a director of such company.

Provided further that nothing in this section shall apply to any person who, with the sanction of Government, enters into a contract with the panchayat.

86. *Wrongful restraint of president or his delegate.*—Any person who prevents the president or any person to whom the president has lawfully delegated his powers of entering on or into any place, building, or land, from exercising his lawful power of entering theron or thereinto, shall be deemed, to have committed an offence under section 172 of the Cochin Penal Code.

87. *Prohibition against obstruction of panchayats, servants or contractors.*—Any person obstructing or molesting a panchayat, its president, a member thereof, any person employed by the panchayat, or any person with whom a contract has been entered into by or on behalf of the panchayat, in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any ruler or order made under it, shall be punished with fine which may extend to fifty rupees.

88. *Prohibition against removal or obliteration of notice.*—Any person who, without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its president, shall be punished with fine which may extend to fifty rupees.

89. *Penalty for not giving information or giving false information.*—Any person who is required by this Act or by any notice or other proceeding issued thereunder to furnish any information, omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

CHAPTER VIII

Supplemental Provisions

90. *Public roads, markets, wells, tanks, etc., to be open to all.*—All roads, markets, wells, tanks, reservoirs and waterways under the control of or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

91. *Power to farm out fees.*—Subject to such rule as may be prescribed, a panchayat shall have power to farm out the collection of any fee due to it under this Act or any rule made thereunder.

92. *Delegation of powers etc.*—(1) Government may, by notification authorise any person to exercise in any local area in regard to any panchayat or all panchayats in that area, any of the powers vested by this Act in the Director and may in like manner withdraw such authority.

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(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by Government.

93. *Construction of references to panchayats.*—Any reference to a panchayat contained in any law, rule, by-law, regulation, notification or order in force in the State at the commencement of this Act shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act.

94. *Act to be read subject to Schedule III in regard to first reconstitution of panchayats, etc.*—(1) In regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule III.

(2) Government shall have power, by notification, to amend, add to, or repeal the rules in the said Schedule.

95. *Appeals against orders of president, panchayat, Director, etc.*—(1) An appeal from any notice or order issued or other action taken or proposed to be taken by the president under the provisions of this Act or the rules framed thereunder shall in the first instance lie to the panchayat, and the panchayat may pass such orders as it deems fit.

(2) Any person aggrieved by any notice or order issued or passed by or by any other act of a panchayat or its president under this Act may appeal to the Director, and an appeal against the orders of the Director shall lie to Government. The appellate authority may pass such orders on the appeal as it deems fit, and pending decision, may direct the panchayat, president, or the Director, as the case may be, to keep the proceedings in abeyance.

(3) An appeal under sub-section (1) or (2) shall be presented within thirty days from the date of the act or the promulgation of service of the order or notice complained of. The time occupied in obtaining copies of material papers in connection with the order, notice or act appealed against shall be excluded from the computation of the said thirty days.

96. *Power to remove difficulties.*—If any difficulty arises in first giving effect to the Provisions of this Act or as to the first reconstitution or constitution of any panchayat after the commencement of this Act, Government, as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

97. *Repeal of Cochin Village Panchayat Act, V of 1089.*—The Cochin Village Panchayat Act, V of 1089 is hereby repealed.

SCHEDULE I

Ordinary Penalties

See section 83 (1)

Section (1)	Sub-section or clause (2)	Subject (3)	Maximum fiine which may be imposed (4)
51	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road	One hundred rupees
51	(b)	Unlawful making of hole or depositing of matter in or over public road	Fifty rupees
51	(c)	Unlawful construction of building over drain	Two hundred rupees
51	(d)	Planting of trees without permission on any public road or other property vested in a Panchayat	Two hundred rupees
51	(e)	Felling, etc., without permission of trees growing on public road or other property vested in a Panchayat	Two hundred rupees
56	(1)	Opening a new private market or continuing to keep open a private market without licence or contrary to licence	Five hundred rupees

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58	..	Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations	Ten rupees
60	(b)	Using any public place or roadside as a landing or halting place or as a cartstand within prohibited distance	Fifty rupees
61	(1)	Opening a new private cartstand or continuing to keep open a private cartstand without licence or contrary to licence	Two hundred rupees
63	(a)	Slaughtering, cutting up or skinning, etc., of animals outside public slaughter houses in contravention of rules	Two hundred rupees
63	(b)	Slaughtering animals for purposes of sale without licence or contrary to licence	Twenty rupees
64	..	Using a place for any prescribed purpose without licence or contrary to licence	One hundred rupees
90	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees

SCHEDULE II

Penalties for continuing breaches

See section 83 (2)

Section (1)	Sub-section or clause (2)	Subject (3)	Maximum fine which may be imposed (4)
51	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road	Twenty rupees
51	(b)	Unlawful making of hole or depositing of matter in or over public road	Ten rupees
51	(c)	Unlawful construction of building over drain	Fifty rupees
56	(1)	Keeping open a private market without licence or contrary to licence	One hundred rupees
61	(1)	Keeping open a private cartstand without licence or contrary to licence	Twenty rupees
64	..	Using a place for any prescribed purpose without a licence or contaray to licence	Twenty rupees

SCHEDULE III

Transitional provisions

See section 94

1. *Definitions of 'old Act' and 'panchayat'.*—In these rules, "the old Act" means the Cochin Village Panchayat Act, V of 1089, and "Panchayat" means a panchayat constituted under the old Act and in existence at the commencement of this Act.

2. *Existing villages and panchayats to be deemed to be duly constituted.*—Every local area which at the commencement of this Act is a panchayat under the old Act shall be deemed to

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have been declared to be a panchayat area under this Act, and every panchayat shall be deemed to have been constituted under this Act.

3. *Total number of members of panchayats.*—The total number of members of a panchayat fixed under the old Act and in force at the commencement of this Act shall be deemed to have been declared to be the total number of its members under this Act and Government may nominate one of the members as the vice-president.

4. *Term of office of existing members.*—The term of office of the members of every panchayat holding office at the commencement of this Act shall continue up to the date on which it would have expired under the old Act or until such time as Government may, by notification, determine.

5. *Term of office of existing presidents.*—The president of a panchayat holding office at the commencement of this Act shall, subject to the provisions thereof, continue to hold office as such president until the date referred to in rule 4.

6. *Filling up of casual vacancies.*—(1) Any vacancy in the office of the president of a panchayat which is in existence at the commencement of this Act or which occurs before the date referred to in rule 4 shall be filled by election by the panchayat.

(2) Any such vacancy in the office of a member of a panchayat shall be filled under the provisions of the old Act.

(3) Any person elected as president under sub-rule (1) or any member of a panchayat elected or nominated under sub-rule (2) shall old office only up to the date referred to in rule 4.

7. *Reconstitution of panchayats dissolved under the old Act.*—Any panchayat dissolved under the old Act may be reconstituted in accordance with the provisions of this Act.

8. *Devolution of property rights and liabilities.*—(1) All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for any panchayat as well as all liabilities legally subsisting against it shall, on and from the date of the commencement of this Act and subject to such directions as Government may, by general or special order, give in this behalf, pass to such panchayat as is or deemed to have been constituted under this Act.

(2) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by such panchayat or authority and/or this Act.

(3) All fees or other dues which a panchayat is empowered to collect under this Act and which have occurred due prior to the commencement of this Act to any department of Government shall be collected by the panchayat as if they were fees or dues to be collected by the panchayat under this Act.

9. *Action taken under old Act to continue.*—Any action taken by any authority before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old Act or not.

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